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Government
Publication

STANDING COMMITTEE ON GENERAL GOVERNMENT

ORGANIZATION

THURSDAY, NOVEMBER 26, 1987



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: Stoner, Norah (Durham West L)

VICE-CHAIRMAN: Mahoney, Steven W. (Mississauga West L)

Black, Kenneth H. (Muskoka-Georgian Bay L)

Bryden, Marion (Beaches-Woodbine NDP)

Charlton, Brian A. (Hamilton Mountain NDP)

Daigeler, Hans (Nepean L)

Marland, Margaret (Mississauga South PC)

Matrundola, Gino (Willowdale L)

McLean, Allan K. (Simcoe East PC)

Owen, Bruce (Simcoe Centre L)

Ray, Michael C. (Windsor-Walkerville L)

Clerk: Deller, Deborah

Staff:

Gardner, Dr. Robert J. L., Assistant Chief, Legislative Research Service

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, November 26, 1987

The committee met at 11:09 a.m. in committee room 1.

ORGANIZATION

Clerk of the Committee: Honourable members, it is my duty to call upon you to elect a chairman. May I receive nominations?

Mr. Black: I nominate Norah Stoner.

Clerk of the Committee: Are there any further nominations? There being no further nominations, I declare Norah Stoner the chairman of this committee.

Madam Chairman: Thank you. The next thing we need is a vice-chairman. Are there any nominations?

Mr. Black: I would like to place in nomination at least one name, that of Steve Mahoney, and I am prepared to speak to that nomination if you would like me to, at some length.

Madam Chairman: Not at any length. Are there any other nominations?

Mr. Mahoney: He will be able to read my speech without any trouble.

Madam Chairman: Do you wish to speak on the nomination, Ken?

Mr. Mahoney: There is nothing to say.

Madam Chairman: OK, then I declare that Steve Mahoney is the vice-chairman.

The next item is the appointment of a subcommittee on agenda and procedure.

Mr. Owen moves that a subcommittee on agenda and procedure be composed and that the said subcommittee meet from time to time at the call of the chair to consider and report to the committee on the business of the committee, that substitution be permitted on the subcommittee and that the presence of all members of the subcommittee is necessary to constitute a meeting.

Any discussion on that?

Mr. McLean: Is there to be any consideration with regard to a subcommittee? In some cases, what we have done was have one from each party represent a steering committee. That is what we have done in other committees. When there is important business that comes up to be decided or debated, then that committee of three would get together to try to resolve whatever problems may arise.

Madam Chairman: Would that steering committee be different than the committee Mr. Owen is proposing or part of that?

Mr. McLean: If I understood the motion right, he was proposing was that any number could meet as part of that subcommittee. What I am saying is we should have a designate from each party on a subcommittee. That is we did in our committee yesterday.

Clerk of the Committee: Can I clarify, Mr. McLean? That is the standard motion, but what we have to do now is decide who is to be on that subcommittee.

Mr. McLean: That is fine.

Ms. Bryden: Even if it is the standard motion, I think it should be quite clear what we are voting on is a committee that would represent all three parties. I do not know whether that should be an amendment to the motion. I think it really should because we could pass it and then you strike a committee without a representative from one of the parties.

The other thing about substitution being allowed, presumably if one of the three parties were not able to attend any meetings, it would provide the substitute. To clarify it, I think any substitute on this committee must be a member of the committee. It could not be a member from outside from the party. Is that correct?

Madam Chairman: Is that normal?

Clerk of the Committee: That is right.

Ms. Bryden: So that if a meeting is called and, say, a member of my party who is on this committee is not able to attend, it would be up to that person to find a substitute if he wishes. Presumably, if possible, it would be a member of this committee, but there may be some committees on which we have only one. I am not sure.

Mr. Owen: How would you substitute if there is no one else from your party on that committee?

Ms. Bryden: That is what I am saying.

Mr. Owen: There must be an answer for it. I am sure they have thought of it.

Clerk of the Committee: There is a way. Members are allowed to substitute for you on the committees. So if you have a member substituting for you on the full committee, then you could appoint that member to substitute for you on the subcommittee.

Mr. Owen: But what happens when you are in a party with only one member of that party on the committee?

Clerk of the Committee: That is what I am saying. What we would do is sub them on to the full committee and then they could sit on the subcommittee.

Ms. Bryden: The substitution must be in before 30 minutes have elapsed into the meeting.

Clerk of the Committee: Yes, 30 minutes into the meeting. If the meeting starts at 10 a.m., I have to have the substitution slip by 10:30.

Mr. Owen: Or you could have it an hour before.

Clerk of the Committee: Or I could have it the day before or the week before. Have you asked for leaders for the subcommittee?

Ms. Bryden: I would like to make an amendment to the resolution that it contain a representative from each party as a minimum.

Madam Chairman: Any discussion on that amendment?

Mr. Owen: (Inaudible) it is going to happen anyway.

Madam Chairman: That is no problem then, but we want it on the books. All those in favour?

Motion agreed to.

Mr. McLean: Who do you want to designate as a member of that steering committee? Who from your party would we designate?

Mr. Owen: That is going to come up. I think that is next on the agenda.

Mr. McLean: Do you have the names there?

Madam Chairman: Do we need to vote on this motion first or do you need the names as part of the motion?

Clerk of the Committee: I must have the names.

Mr. McLean: She needs the names.

Clerk of the Committee: We will put the names into the motion and then vote on the motion.

Mr. McLean: That is what I asked, which person from your party.

Mr. Mahoney: It just occurs to me that it should be the chairperson of the committee who should be on that, regardless of what party that person is involved in.

Madam Chairman: So you are putting my name forward?

Mr. Mahoney: I would nominate you. Is that a problem?

Clerk of the Committee: Well--

Madam Chairman: We are all new to this, Debbie.

Clerk of the Committee: Let me explain.

Mr. Mahoney: The first thing we should do is have a course.

Clerk of the Committee: The subcommittees usually do consist of the chairman and a member from each party.

Mr. Mahoney: That makes sense.

Clerk of the Committee: The chairman is a member of the subcommittee, and then you have to have a member from the Liberal Party, the New Democratic Party and the Conservative Party.

Madam Chairman: So we need one Liberal.

Mr. Mahoney: I nominate Bruce Owen.

Mr. McLean: I will serve.

Ms. Bryden: I will serve.

Madam Chairman: All those in favour? OK, that constitutes the committee.

Clerk of the Committee: Would you like me to read the motion again?

Mr. Owen moves that Mr. Owen, Mr. McLean and Ms. Bryden do compose the subcommittee on agenda and procedure, that the said subcommittee meet from time to time at the call of the chair to consider and report to the committee on the business of the committee, that substitution be permitted on the subcommittee and that the presence of all members on the subcommittee is necessary to constitute a meeting.

Madam Chairman: All those in favour?

Motion agreed to.

Madam Chairman: Now we need a motion on transcripts.

Clerk of the Committee: I think Mr. Black has that.

Mr. Black: Madam Chairman, if I may, I have another motion now.

Madam Chairman: Oh, good.

Mr. Black moves that unless otherwise ordered, a transcript of all committee hearings be made.

Madam Chairman: Discussion? All those in favour?

Motion agreed to.

Mr. Black: Do I not get a chance to speak to the motion?

Madam Chairman: I asked for discussion. That was your opportunity.

Ms. Bryden: I think we should establish our sitting times. I do not know whether it is already established that it has to be 10 o'clock to 12:30 or whether we establish our own hours. I know some committees are sitting just from 10 to 12 noon. The one that I was on last year did, but the committee can always change its hours. For the purposes of information, we should decide what our normal starting time and our normal adjourning time are, subject to agreement or motion by the committee to change those times.

Madam Chairman: Have you a suggestion specifically?

Ms. Bryden: I would like to suggest 10 to 12 because, if we go at

1:30 p.m. into the Legislature, it does not give us much time to get ready for that.

Madam Chairman: You can handle some office work before 10 a.m. too. Is there any discussion on 10 to 12? Does that seem appropriate?

Mr. McLean: Is Thursday the meeting day?

Madam Chairman: Yes. Thursday morning.

Ms. Bryden: We are authorized, as you may have noticed in the motion, to sit in the afternoons of Thursday also, but I think we should not sit unless there is special business that we cannot complete in the morning.

Clerk of the Committee: The way this committee has operated in the past is that way. They sat in the morning and in the afternoon if it is necessary.

Mr. Owen: I understand there have been cases of overspill into the afternoon.

Ms. Bryden: We do that by motion at the morning meeting or decide the preceding week.

Mr. Owen: Is this every Thursday at 10 a.m.?

Madam Chairman: I think it depends, and Debbie can clarify, on what business we have been handed by the Legislature. Right now, as far as I know, we have not got any.

Clerk of the Committee: At the present time this committee has not received any business from the House in the Orders and Notices, so when we adjourn today, it will be an adjournment at the call of the chair.

Mr. Owen: I understand that will be practically a short one.

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Clerk of the Committee: Probably, and at that point, you can count on being here every Thursday morning.

Mr. Owen: Once we have word.

Madam Chairman: We have the resolution from Ms. Bryden on morning sitting hours of 10 to 12. Is there any further discussion on that?

Ms. Bryden: I just remembered. Since there is a vote in the House at 12 o'clock every Thursday in private members' hour, we will probably have to adjourn at five to 12 normally, but I do not know that we need to specify that.

Madam Chairman: Yes, I think there is going to be one today.

Mr. Mahoney: Do we hear the bells here?

Madam Chairman: Yes. OK. All those in favour?

Motion agreed to.

Mr. Mahoney: Maybe Debbie can give us an overview of the terms of reference. I have read some of the documentation on what the committee did last year, some of the items, but there was not a lot there. I would like to know a little more about what we are supposed to be doing.

Clerk of the Committee: In fact, the committee does not have terms of reference as some committees do. The committee considers bill by bill or issue by issue as referred by the House. Usually what we get are education bills that the social development committee is too overflowed to handle and some of the resources development committee bills and so on.

We often get issues to consider. For example, last year, when the Treasurer (Mr. R. F. Nixon) made the statement that the Ontario Institute for Studies in Education was being amalgamated with the University of Toronto and members of the House wanted a committee to consider the annual report of OISE in order to discuss that issue, that came down to this committee.

Mr. Owen: Does the Legislature decide or do the House leaders decide?

Clerk of the Committee: The House leaders usually decide, but then it goes through the House.

Mr. Owen: The House leaders together.

Clerk of the Committee: That is right.

Ms. Bryden: But there has to be a motion in the House.

Clerk of the Committee: That is right.

Mr. Mahoney: Are there any areas that are specific? The aim of the general government committee is pretty broad. I notice that the committee in the last sitting dealt with--was it a teachers' strike or some negotiations?

Clerk of the Committee: Yes. It dealt with what was Bill 100, now the School Boards and Teachers Collective Negotiations Act. They had public hearings on that and discussed it at length.

Mr. Mahoney: So the operative word in the name of our committee is "general."

Clerk of the Committee: That is right.

Madam Chairman: Ken, did you have a question?

Mr. Black: My question was the same as the vice-chairman's.

Madam Chairman: I can see you two are going to be a tag team.

Mr. Mahoney: You mean we are agreeing with each other? I would like to rephrase my question.

Madam Chairman: I also see that we have Dr. Robert Gardner here from the research service. Robert, maybe you could give us a little bit of a view of what kinds of research facilities you have available to the committee and what you provide, since most of us are so very new to this system, and a definition of the word "general."

Dr. Gardner: In the light of the word "general," we provide quite general research services to this committee. We have not had a permanent research officer assigned to this committee as we do to several of the others, and that is because of the great variation in the type of issues that come up here. We assign the researcher whose expertise and experience best fit the issue at hand. That has varied. I am a sociologist by background and I have served this committee. We have also had a couple of lawyers here. It very much depends upon the issue.

What I should emphasize, though, is that whatever the issue is and whoever is assigned is with you for the duration of that issue. We quite emphasize stability through the hearings, the report writing and everything else. We are not sort of bouncing in and out. We have the same person with you for the length of whatever that issue is. In the last little while, and Debbie mentioned a number of these issues, we have been involved with the hearings on a lot of things. We were also here for the discussion of pensions and legislative changes on pensions for teachers' collective bargaining.

As to our role in committee, since we report to the chair, we do any number of things at the committee's direction and request. That can range from background material, for example, when we started off the hearings on OISE about a year and a half ago--in fact, that was me. I prepared a short background memo saying what exactly OISE was and how it compared to similar situations in other jurisdictions, just to give members something to start with, some background information and a package of other things as well.

It can be as simple as getting a report from a ministry or a government department to a little memo, as I mentioned, to fairly detailed briefing papers on how whatever that issue is is treated in other jurisdictions.

When there are hearings going on, we will also provide press clippings, more or less on a daily basis, on how the hearings of the committee were covered in the press, both here in Toronto and wherever else you may be on the road. It takes a day or so to get that together sometimes.

We provide a summary of the briefs and evidence you will hear on an ongoing basis. Generally, that will be a summary at the end of the first week of hearings; then we will roll the second week into that. In effect, you will get a series of updates on all the concerns and recommendations that have been placed in the briefs and evidence before you.

We also draft the report, if there is a report at the end of the committee deliberations, under your direction. That is not as complicated a procedure as one might think. You discuss what you want to say in the report, we go away and put some prose to it, bring it back in a draft form and you kick it around and decide you would like changes. We go back and make those changes and we highlight what the changes have been so we do not have to read the whole report again each time.

Mr. Owen: How does it work if we cannot agree?

Dr. Gardner: Actually, at the risk of being rude, that is for the committee to work out. The research service people are your scribes. There are times when there are dissenting opinions that--

Mr. Owen: Do you identify where the dissent is?

Dr. Gardner: That generally is for those who are making the dissenting opinions.

Mr. Owen: I see.

Dr. Gardner: We write a majority report, so to speak. We prefer not to write that because, as you know, we are a nonpartisan service.

Mr. Owen: Not that there will ever be any of that on the part of this committee.

Clerk of the Committee: Can I just make one point? Mr. Owen, in most cases the dissenting opinion has been written by the party that is dissenting.

Mr. Owen: Yes, I just heard that.

Clerk of the Committee: But not by the researcher.

Mr. Owen: That is what he just said.

Clerk of the Committee: It is not printed in the report.

Mr. Owen: You would have to do your own.

Dr. Gardner: That is about it in terms of the kind of standard package of services we provide, and we can provide virtually anything else that the committee requires at the time. It is as simple as the chair phoning up me or the chief of the research service and saying, "We need somebody for this particular issue." Then we will sort out who is best and away we go from there.

Madam Chairman: Any other questions for Robert? Any further business? Any other new business? We are now adjourned until the call of the chair.

The committee adjourned at 11:28 a.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

MONDAY, FEBRUARY 1, 1988



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: Stoner, Norah (Durham West L)

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Matrundola, Gino (Willowdale L)

McLean, Allan K. (Simcoe East PC)

Owen, Bruce (Simcoe Centre L)

Ray, Michael C. (Windsor-Walkerville L)

Substitutions:

Cousens, W. Donald (Markham PC) for Mr. McLean

Farnan, Michael (Cambridge NDP) for Mr. Charlton

LeBourdais, Linda (Etobicoke West L) for Mr. Black

Polsinelli, Claudio (Yorkview L) for Mr. Ray

Also taking part:

Faubert, Frank (Scarborough-Ellesmere L)

Clerk: Deller, Deborah

Clerk pro tem: Manikel, Tannis

Witnesses:

From the Ministry of Municipal Affairs:

Lesurf, Michael, Director, Local Government Organization Branch

Kipp, Margaret, Senior Policy Adviser, Organization Policy Section

Chipman, John G. General Counsel

Sands, Gary, Executive Assistant to the Minister

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON GENERAL GOVERNMENT

Monday, February 1, 1988

The committee met at 2:10 p.m. in committee room 2.

CONSIDERATION OF BILL 29, AN ACT TO AMEND THE MUNICIPALITY
OF METROPOLITAN TORONTO ACT

Madam Chairman: Ladies and gentlemen, it is after 2 p.m. and I think it is appropriate that we get underway.

I would like to welcome you all to the meeting on consideration of Bill 29, an act to amend the Municipality of Metropolitan Toronto Act.

The first item of business is the briefing by the Ministry of Municipal Affairs. There is one item, however, that I would like to bring up just before that. The Minister has indicated he would like to address the Committee either tomorrow or the next day, and it is really up to the Committee to say yes or no and give me an appropriate answer.

The witnesses are in from 10 o'clock until probably 3:30, judging on the half-hour session Tuesday -- sorry, there is an updated agenda? 4:30. Okay.

Mrs. Marland: Is he available this afternoon, Madam Chairman?

Madam Chairman: No, I am afraid he is not. He is out of Toronto, unfortunately, but we could hear him at 4:30, if that was the Committee's wish.

Mr. Cousens: 4:30 when?

Ms. Bryden: I have a 6:00 p.m. appointment.

Madam Chairman: Okay. From 4:30 to --

Mr. Mahoney: How long does he need?

Mrs. Marland: Is that Tuesday or Wednesday?

Madam Chairman: That is Tuesday we are talking about. 4:30 to 5:30, would that be an appropriate time slot? Okay. Is there a seconder to that?

Thank you, Hans. All those in favour?

Mr. Cousens: No, I was just wondering, are you trying to rush things through, Madam Chairman?

Madam Chairman: No, I am certainly not, Don.

Mr. Cousens: He cannot make it at 3:30; is that what you are saying?

Madam Chairman: No, it was my mistake. 3:30 is already taken. There is an updated agenda.

Mr. Matrundola: Can we have an updated agenda?

Madam Chairman: Pardon?

Mr. Matrundola: Can we have a copy of the updated agenda?

Madam Chairman: I am sorry, Gino? Okay.

Mr. Matrundola: Thank you.

Madam Chairman: Okay. All those in favour? Carried. Thank you.

Mr. Cousens: Madam Chairman, before you proceed with the agenda, I do not know that the Committee has had -- did it have a chance to agree how the agenda was going to be handled before we met today?

Madam Chairman: No, we have not discussed that.

Mr. Cousens: Okay. Because what I would be interested in knowing, just even before we look at the agenda for the next several days is, Was there any advertising about that committee? and to what extent was that done? and where? how? when? and what was done in the advertising of this Committee meeting? so there is an opportunity for the people of Metropolitan Toronto to know we were meeting and what was happening. Could you give us an update on that?

Madam Chairman: Yes. There was special advertising and Debbie Deller of the Clerk's office handled it, but I am sure Tannis has the information.

Clerk pro tem: I guess I will start by saying there was no advertising in the newspapers the way a lot of committees generally do it. What was decided would be done was letters were sent to -- now, I may not be totally accurate on this because I am getting this information from Debbie. They were sent to the --

Madam Chairman: Okay. They were sent to all members of Metro and local councils. They were sent to all members of the Boards of Education in Metro Toronto. They were sent to the Clerks, the Labour Council, the Board of Trade, all of the ratepayers associations from all of the municipalities

in Metro, and off the top, those are the ones that I remember.

Mr. Cousens: I guess I would like to know just how far it did go, how many ratepayer groups received letters from the Clerk. I want to make sure that as much has been done as is possible to make sure that the people in Metropolitan Toronto are aware that we are meeting and have a sense of why we are meeting, and maybe I would like to even get a copy of the letter that was sent to -- was it the same letter that was sent to the councillors as to the ratepayer groups? I would like to see a copy if it is a different letter.

Madam Chairman: I am sure we can provide that to you, plus a complete list of everybody that it was sent to. But the goal of myself and the Clerk was to spread the word as widely as possible. We also put out press releases to that effect, as well. So all of that should be available --

Mr. Matrundola: Actually, Madam Chairman --

Madam Chairman: Pardon?

Mr. Matrundola: I was wondering whether Mr. Cousens had any particular concerns with respect to any groups that he thinks may want to make a presentation --

Mr. Cousens: I did not see the ad in the paper; that is my concern.

Madam Chairman: No, there were not ads; there were press releases.

Mr. Cousens: And that really bothered me and I would say that it still bothers me. But what you are saying satisfies the intent, but I wanted to know if -- and you cannot read everything in all of the papers. I mean, I have a hard enough time just finding what I want to find let alone -- and I looked and looked and I could not see it in the ad. So fortunately it is not my eyes that are failing me here; it is something else.

Mr. Polsinelli: No, I thought perhaps there had been some group that you thought may have wanted to make a presentation and had not received an opportunity to do so.

Mr. Cousens: No, no, because I certainly have been communicating with a number of people, as well. The big thing is that the newspapers, and what Madam Chairman has suggested that has been done is certainly excellent if you have been able to reach all the ratepayer groups around Metropolitan Toronto. I did not know anyone had those lists and so I would be interested in seeing the list that you are going to make available to us on just who is out there.

That is just, I think, a full-year job just to put that list together.

Mr. Polsinelli: They are available to local councilmen.

Mrs. Marland: They are available from the municipalities.

Mr. Polsinelli: Anybody who has any municipal experience would know that most of the councils maintain lists of --

Mr. Cousens: But I did not know that they were available to the Clerk's office.

Madam Chairman: No, they get them from the municipal clerk; that is where Debbie got them.

Mr. Cousens: By whose decision was it, Madam Chairman, just to stay with the process not to have an advertisement in the papers on this committee meeting today?

Madam Chairman: That was my decision. It was brought to me by the Clerk, and she asked me whether I felt that the press releases were adequate as opposed to the requirement for advertising, and I made that decision.

It was my judgment that the people that were interested we were probably already going to be reaching through the direct process which is -- the most effective advertising can get lost as can press releases, of course, and we felt that we were contacting all those that had direct interest, those that had a potential interest and that that seemed to be the appropriate way to go.

Mr. Cousens: I am not going to belabor this one. I think a decision has been made by the Chairman and I am not going to dissent, but I would like to stay on it for a moment or two for future reference because to me, if there is going to be a meeting of a committee of the Legislature dealing with a specific subject, then we are also dealing with the public at large, and I would have thought that there was some kind of policy by the Legislature that almost said, 'Okay, there is a Committee meeting,' and then you go and look for it. It is not unlike when you look for certain things in the back of the paper -- a tendering process or public activities. There is public statement that goes out.

Madam Chairman: Well, if there is such a policy, it was never told to me, and I was not aware of it.

Mr. Cousens: Madam Chairman, that is really what I am trying to find out if there is or there is not such a policy within the Legislature, because if there is not, there should be, and it becomes a guideline so that dummies like

myself or others -- generally, you know, you flip through the paper and you do not otherwise have to worry about being on someone's mailing list.

And I know that it is true in so many associations of which I am a member, there has to be a public filing and it is done through a newspaper.

Now, there are many people -- and I think this is one of the worries that I have. I am not thrilled at the way that the Toronto media have made public to the people of Metropolitan Toronto the ramifications, the implications, of the changes being proposed under Bill 29. And not unlike your own press release -- and I did not see how it surfaced in different parts, but how can anyone read all the different publications in Metropolitan Toronto?

That is why I come back and say that there is a tremendous value in having the public announcement statement of purpose, where, when, why, of a Committee of the Legislature, and to have deviated from that in this instance further puts out the importance of the thing to those who care but may not be on someone's mailing list, who have not been a member of council and are not presently a member of council but may want to become a member of council. How else would they have found out if they are not part of a local ratepayer's group, because not all of them are that organized. And so I can think of certain people who may not otherwise have found out. That becomes a major concern in the democratic process.

I am not going to stall the meeting for a great length of time. I think it is an important issue. I think it is extremely important the fact that we have failed to do that, and that, in fact, what we have ended up with is maybe 16 different presentations - and I have a few other questions on that, as well - but to me, I would have thought we would have had far more people indicating some interest.

Now, I do not even mind if the public comes in and says, "I support what the Minister is doing in Bill 29." That would be excellent because then you come and say, "My amendments --" or "Our amendments obviously are not important to people but at least we know they understand that there is an effort being made."

And so I guess the question I have is to the Clerk. There is not in your mind or your opinion any guideline for committees that would cause public notice to be given in local papers, as I have suggested?

Clerk pro tem: At the present time, there is not any policy. It is a decision each committee has to make.

The Board of Internal Economy is looking at this though

and has advised the Clerk of the House to monitor the advertisings that are going out.

One the problems that we have been having is we do not feel the advertisements we have been doing in the newspapers are effective and there is concern about the cost. So the Clerk of the House is monitoring the situation and this started last fall.

Mr. Cousens: Okay. Well, Madam Chairman, I just wanted to make this point. It me it is exceedingly important. Members of this Legislature are taking an important amount of time, as you are, as are others who are making presentations. Will we have all those who would have wanted to make those presentations here this week in the very short time we have?

I know we are not here for a long time. By this Thursday, it is going to put a little ribbon on it and it is going to go back to the Legislature and that is just fine. I have to believe though that the people of Metropolitan Toronto do not know what it is all about right now.

And I am sorry they do not, and I am sorry that there is not a broader understanding of it, and I am not that complimentary of the Toronto media who think, "Oh, well --" and I have talked to several of them -- "Hey, you guys have been talking about this for years so now just get it over with."

Well, what we are going to get over with in this week has what I think are the seeds of major problems for the electorate in Metropolitan Toronto in November, and I am hearing even that there is a possibility that they are moving the date of municipal elections in the province of Ontario. There has been some talk out of the Ministry of Municipal Affairs that that date will not be the date set.

There is massive confusion. We are trying to get the electorate involved, we know that in some ridings it is down to 33 per cent of the people that vote in municipal elections, and so now we are doing it and saying it is not that important.

I think that the Chairman has certainly done an admirable job in getting the word out. I think we have failed as a committee before we even start. I think we have failed to make sure that the people of Metropolitan Toronto had some guaranty of knowing what we are here for and why we are here.

And I want to put that on the record. I am doing it at the beginning because I was concerned and I continue to be concerned. What happens now after we finish this week? Will we have heard from some of the people that would have

otherwise come to make representations about their concerns and their interests on Bill 29? Who will know?

Madam Chairman: I certainly hope that they will. Mrs. Marland, do you wish to comment?

Mrs. Marland: Madam Chairman, my question was quite similar. I wondered whether there was a policy that standing committees of the Legislature when they are holding public hearings automatically advertise. And what I am hearing is that it is not automatic; it is a decision of the Chairman.

And I am further concerned that there would be any concern about the cost because obviously the cost of advertising is nothing compared to the cost of the Committee sitting, and to make the Committee sitting worthwhile, then we should not really end up with an agenda that lists ten elected officials and three private citizens. One is a private citizens group, as I read the agenda, and two other private citizens and two city solicitors, and I have to suggest that the ten elected people and two city solicitors is rather an incestuous group as to the subject area, and we hear from three people that are private citizens outside of that.

And I think, as has well been expressed by my colleague, Mr. Cousens, the fact of the matter is that it is the broad citizens at large that should have a say in their future elections of their representatives. And what I would like to know is, Is it a requirement that the Committee finishes sitting this Thursday? Is there a requirement that we have a response to this Bill? And if we get into the clause-by-clause on Thursday afternoon - Thursday morning and Thursday afternoon it is now scheduled - if we do not complete the clause-by-clause in one day, is there any requirement that limits the sittings of this Committee or could it be extended by advertising this week if we were to place a motion to the Committee with your support, Madam Chairman, that this week we advertise so that people who may not be aware, at least we all share the credibility of saying, 'Yes, we contacted those people holding public office, we contacted the rate payer groups.'.

But so what? That is as very small cross-section compared to the public at large, and I think we should be able to say at the committee we advertised and we did give the public an opportunity.

Madam Chairman: Well, in answer to that, there are two points. One, the legislation, Bill 29, as I understand it is to go back to the House when the House sits next week in order to implement in time for action.

And secondly, there were a large number of ratepayers

groups who were in direct contact with Ms. Deller, the Clerk, and had lengthy discussions with her but chose not to appear. Although she was attempting to encourage them to come, they felt that they did not want to and only a small number have actually indicated an interest in being delegations. But they were very aware of it and they are interested, but not interested enough to want to appear as delegations although some of them may well be here as observers.

Mrs. Bryden?

Mrs. Marland: Well, I have not finished.

Madam Chairman: I am sorry.

Mrs. Marland: Well, I recognize that the Bill, as it stands, is to apply to the 1988 municipal elections. Now, I think it is going to be interesting when we hear from the representatives that are presently holding office in Metropolitan Toronto. I am sure that they have some concerns about any boundary changes and this year's election, and I am wondering about the equity of making such a major change when we are really down -- we are now in February, and the elections are the 14th of November.

What I am wondering is whether it is in our best judgment to support the intent that it is applicable this year, that it comes into force this year. Some of the questions that I have for the Ministry are purely, you know, What is the necessity of 1988 rather than doing it properly and having it in 1991? And I do feel very strongly that it is going to be one of those issues that the public will react to after the fact because they simply do not know enough about it at this point.

Mr. Cousens: Like metric.

Mrs. Marland: So my concern is that if there is not a rush, then don't let's lose our credibility as a standing committee of the Legislature elected to represent everyone's best interests by not allowing a full public forum, and if we do not advertise, we are not allowing a full public forum, in my opinion.

And there is a number of us on this committee that have served as municipal politicians and yourself, you know very well that ratepayer groups still only have an ability to contact a limited number of people. The majority of people are without rather than within ratepayer groups.

So I think we have done the best we can through direct contact, but a motion that I would place today would be that this Committee advertise in the Metro Toronto newspapers this week for an opportunity for anyone who wishes to appear

before the Committee to do so.

Madam Chairman: Mrs. Bryden?

Ms. Bryden: Well, I suppose I have to speak to the motion at the moment.

Madam Chairman: Is that a motion before us?

Mrs. Marland: Yes.

Madam Chairman: Are you making that right now? Okay?

Mr. Polsinelli: Could I have a copy of that, please?

Madam Chairman: Seconded? Are you seconding the motion?

Ms. Bryden: No, I am not.

Madam Chairman: No?

Mrs. Marland: You would like me to write it? Is that what you are saying?

Mr. Faubert: It is supposed to be in writing.

Madam Chairman: I will second that.

Mr. Polsinelli: You do not need to second that.

Mr. Cousens: Someone said you need to second it and someone said you need it in writing.

Mrs. Marland: Would you like me to speak in French first?

Mr. Mahoney: Could we go on with the discussion.

Madam Chairman: Okay. Mrs. Bryden, do you want to go ahead?

Ms. Bryden: Well, I, too, was somewhat disturbed when I heard that there had been no newspaper advertising because most committees do advertise and certainly every elector in the Municipality of Metropolitan Toronto is interested, I think, in the hearings of this committee and the outcome of this Bill. And ratepayers groups are registered with the municipal clerks in many areas but many of them are not registered, and it is very difficult to keep those lists up-to-date, so that I think there should have been advertising.

But I understood that most standing committees have a steering committee with a representative from each party on

it that makes decisions of this sort rather than leaving it to the Chairman, and I wonder, do we not have a steering committee for the General Government committee?

Madam Chairman: Yes, I believe we do. We have a sub-committee which includes yourself, Allan McLean, Bruce Owen and myself.

If I made a mistake, it was my mistake on the advice of the Clerk that this was a decision that was appropriate for me to make, and it needed to be made at that time, so I made it. If it was an improper move then I apologise but unfortunately it --

Ms. Bryden: And in what time of the year was this made? Middle December? Late December?

Madam Chairman: I am sorry I do not have a date on it but it was prior to contacting all of the individuals on council, et cetera.

Ms. Bryden: If the House was still sitting, there could have been a brief meeting of the steering committee to make a decision particularly when it is going contrary to the practice of most standing committees.

Madam Chairman: Well, I was not aware that it was contrary to the practice based on the information given to me by the Clerk. That is unfortunate.

Ms. Bryden: As far as the motion itself goes, I think we have to be more aware of whether there is any possibility of sitting into next week, concurrently perhaps with the House, in order to advertise this week.

It seems to me that the decision not to advertise could have been reviewed after January the 1st when there still was a month to go and yet members would be back from holidays and the holiday mails would no longer be clogged or advertisements would no longer be clogged with other advertisements for Christmas.

But I think we have to put the motion on hold until the House Leaders can decide whether there is any additional time available for this Committee. Of course, we do not want to delay consideration of the legislation during the the period the House will be sitting and I do not think we are ready to make a premature decision as to whether the legislation should be postponed to 1991.

So I would not support the motion in its present form but would move an amendment that it be tabled until such time as the Clerk and the House Leaders can determine whether it is possible to have any additional hearings to which the public might be invited in the next week or two.

Madam Chairman: Is there a seconder on the amendment? Mr. Farnan. Okay. Can we have that amendment in writing if you wouldn't mind, Ms. Bryden? Have you finished your comments at this point?

Ms. Bryden: No. I had one other point I wanted to raise as a preliminary and that was that while the documentation provided by the Clerk is quite extensive from the government's side on the statements by the Minister and background papers that have come - compendium and so on - we have had practically no documentation on any correspondence between the Minister and the municipalities, and yet they appear to have been drawing up their boundaries on the basis of certain guidelines which are referred to by the City Clerk of Toronto.

I would like to know if the Minister sent any correspondence to either the mayors or the city clerks suggesting the guidelines that would be considered when they were redrawing municipal boundaries.

The Toronto City Clerk or the Deputy City Clerk, Barbara Caplan, in her letter to all interested persons, which was sort of a background document from the City of Toronto said that:

"The Committee in bringing forth its options took into consideration ward boundaries that would maintain the concept of a block ward system, follow natural and human-made boundaries such as rivers and railroad tracks, create wards roughly similar sized but allowing for future growth patterns and not divide existing communities such as neighbourhoods, ethno-cultural and other groups."

So that those were the guidelines presumably that the City of Toronto was working on. I would like to know if there was any correspondence between the Minister or the Ministry officials and the city clerks or the mayors regarding guidelines to follow in drawing their boundaries.

Madam Chairman: Yes, I believe there was a great deal of discussion with the clerks and mayors.

Ms. Bryden: Well, is it possible for some of that correspondence, particularly ones that relate to the guidelines to follow, is it possible for that correspondence to be tabled with the Committee?

Madam Chairman: I am sure it can be made available.

Ms. Bryden: And in addition, there presumably was correspondence either between the Ministry of Municipal Affairs or the Ministry of Education with the school boards

regarding the guidelines they should follow in proposing the new boundaries. Could we also get that correspondence.

Madam Chairman: I believe the Minister's staff have taken note of your request and I am sure that it will be made available to all members of the Committee.

Ms. Bryden: As soon as possible, please. I am sure that is understood.

So that that is sort of the missing link as far as understanding what is behind the boundaries that are being talked about.

Madam Chairman: Okay. We have the clarification, the wording on the amendment is to table...

Ms. Bryden: Motion be tabled until...

Mr. Cousens: Madam Chairman --

Madam Chairman: I am sorry, Mr. Cousens, I have a great long list of people that wish to speak and I would like to follow that order and you are down on the list.

Mr. Cousens: On the amendments.

Madam Chairman: On the amendment, they are still all on the list. Okay?

The next one is Claudio Polsinelli.

Mr. Polsinelli: Thank you, Madam Chairlady. I am a relatively new member of this House. I have only been here three years. Yet unlike my some of my colleagues from the Conservative party - colleague from the Conservative party - but I seem to have found out what the advertising policy is on committees.

I think it is rather evident that the Committee will determine whether or not to advertise on a particular subject on a particular Bill, and agree that the practice has been that a sub-committee of the Committee will determine whether or not advertising should take place on a particular Bill or a particular subject.

That being said, there may be a middle ground. I can understand the Conservative Party's wish to make sure that the democratic process is fully evolved and that the people in Toronto, Metropolitan Toronto, are given a fair opportunity to come before this Committee and put forward their point of view.

I think you have done an admirable job in terms of reaching the client group, in terms of reaching the

municipal councils and the local ratepayers associations which are, I think, without getting a little too far-fetched, but are probably the majority of the individuals that would like to make a representation to this Committee.

But there may be a middle ground. There may be a way of satisfying the Conservatives' concerns and what has happened. I understand from the Clerk that it may be possible to get an advertisement in tomorrow's paper if she works on it diligently this afternoon.

So I think what we should do as a committee and what I would support with the consent of Ms. Marland is that we attempt to get an ad in tomorrow's newspaper, in the three major dailies, and people who are interested in making a representation to this committee be invited to attend on Wednesday or Thursday.

That puts our schedule back a day. I think we can still accommodate the clause-by-clause by perhaps sitting Monday morning, but at the very worst, completing the clause-by-clause on Monday when the House gets back into session and then reporting the Bill the day after. I am sure that something like that can be accommodated.

I have a tremendous concern in not reporting this Bill for next week. If these reforms are going to go through, and I believe they should go through because, in fact, what they do is enhance the democratic process, they make Metro councillors directly accountable to the people, and I think that is something that, as elected ourselves, we should all be striving for, that direct accountability.

So I have a tremendous concern that this Bill be reported next week and as a committee member, I would take very -- well, not take a great deal of pleasure in anyone attempting some type of stalling tactics. While that did not happen, I would not want to see any member of this committee try anything that may prevent this Bill from being reported next week. But at the same time I understand that the people of Metropolitan Toronto may want to say something about this Bill, may want to make representations.

So I think as a committee --

Mr. Cousens: Madam Chairman, I really -- I take exception. If the honourable member thinks that there is any effort on the part of anyone of those who are concerned with this Bill and call it stalling, that in fact they were asking to have some advertising on it -- and the illusion, the fact that we are dealing with process and an important part of the process, and the honourable member just says, "Hey, stalling techniques." I really take strong exception to that.

I think when you are dealing with the democratic process, it is imperative that we set an example to those people who are within the area to do everything we can to encourage that. And so if you are trying to refer to either the motion by Ms. Marland or myself, I think that we know full well that there is an urgent need for the people of Metropolitan Toronto to know what is going on around them. And that is what this motion is trying bring out with no intention - I would like to say - no intention of taking away from the timetable that the Minister has set. I think it is a wrong one, but I am still willing to live within it. That says that --

Madam Chairman: Your point of order, Mr. Cousens --

Mr. Cousens: Well, I think that the point is still valid. He said it is stalling. I am prepared to do everything I can to see that it is in the House when we reconvene next week.

Mr. Polsinelli: Madam Chairman --

Mr. Cousens: Don't say that we are stalling.

Madam Chairman: Mr. Polsinelli?

Mr. Polsinelli: I was in no way implying that the Conservative Party was attempting to stall in this Bill. I was merely suggesting that that is not an appropriate --

Mr. Cousens: So who was the staller then? You say they are stalling; who is the staller?

Madam Chairman: Okay. Order.

Mr. Polsinelli: Mr. Cousens, perhaps you can re-read Hansard as to what I said.

Mr. Cousens: Well, I heard you, and that is why I am taking strong exception to it.

Mr. Polsinelli: What I was suggesting was that that is a tactic that is sometimes used but it would not be an appropriate tactic in this particular Bill, given the importance of having it presented to the House next week. Now, if you are thinking otherwise, I cannot help that.

So I think if the Committee were to consider that simple suggestion, that we attempt to get an advertisement in tomorrow's three major dailies. If that could happen, that may alleviate all the perceived problems that we have with respect to the advertising of this Bill.

Madam Chairman: We have the amendment to the motion

from Mrs. Bryden and we have a seconder in Mr. Farnan, that the motion be tabled until the Clerk and the House Leaders can determine if it is possible for the Committee to hold additional sittings in the next week or two, and if it is possible that advertisements be put in the Toronto papers as soon as possible inviting people to apply for a hearing on the days available.

Discussion on the amendment to the motion? And can I --

Mrs. Marland: Can I borrow it, please?

Madam Chairman: Sure.

Mr. Mahoney: Thank you.

Madam Chairman: Okay. On my list I have Mr. Daigeler. And Mr. Faubert, did you have you hand up?

Mr. Faubert: No.

Madam Chairman: No. Sorry. Okay. I have you on the general list, Mr. Matrundola. Mr. Cousens, on the amendment? On the amendment? Okay.

Mr. Daigeler?

Mr. Daigeler: While I appreciate the view points that have been put forward, I must say, again being a new member, I am surprised that after all the experience that is in the House that there should not be any clearer rules, and if there are not any clearer rules, I am sure it means that in the wisdom of the House, the judgment was left with the committees and with the Chairman of the Committee, and personally I think there is wisdom in it.

I think the Chairman made the right decision. We obviously do have reached some private citizens. They must have seen and heard it somewhere. I am not optimistic at all. As Mr. Cousens said himself, it is difficult to read all the newspapers that we are going to get a big swarm of ratepayers because of the ad that is being placed.

I think you have done the right thing. You have contacted the councils in the greater Toronto area. You have contacted the school board. You have contacted the ratepayers associations.

So we see on the list of speakers that, in fact, the message has gotten through, and I think we should get on with the job and do what we are here for.

Madam Chairman: Thank you. Mr. Cousens, on the amendment.

Mr. Cousens: I will not support the amendment. I think that there is too much importance to get this to the House next week, and unfortunately the amendment says that it would go beyond the week. The commitment that I understand that has been made, certainly that I have been party to, is that we would have a week now to consider amendments that our party was tabling. We would hear presentations. We would hopefully have some views on it.

I feel the commitment should be all of ours, as impossible as it is on such an important bill, I would like to see us spend several weeks and have a considerably longer period of time to consider this Bill, as one of the amendments that we have before this Committee would postpone the implementation from '88 to '91, but I am not in a position to push that beyond the one-week time frame that has been allocated for this Committee of General Government to consider Bill 29.

So therefore I would personally think that the best we can hope for out of this situation now is that if the Clerk is able to get some extra word in the newspapers quickly that this Committee might revise its delegation list for Thursday so that we would have some others and then we might well come back on Monday morning and complete the wrap-up of of the clause-by-clause before the House reconvenes. I feel a sense of commitment that was made by the House Leaders that this would be the length of time we had to discuss it.

I do not think it is enough. I think that there is far more involved with Metropolitan Toronto that needs to be resolved. I would be prepared to sit here far longer, but we all know that when those commitments are made, we live up to them.

Madam Chairman: Mr. Mahoney?

Mr. Cousens: The underlining concern that I have -- I am sorry that it is happening under Chairman Stoner because I have no intention of going after her on this issue. I just believe it should be a policy. I was looking for it; I thought it would have been.

I think it is reprehensible that a committee of the Legislature does not have that kind of outgoing view so that the rest of the community knows exactly what we are doing at all times, and that really has not happened in this case.

So I do not hold anyone accountable. I think the system has fallen down in this instance, and therefore if we are able to rectify it as in the suggestion that has been made by my Liberal friend, then I would be quite happy with that and then we can get on with what else we have to do.

Mr. Polsinelli: Well, perhaps, Madam Chairman, we can

withdraw the motions and just direct the Clerk to try to get the ads in as quickly as possible, and if we do get further individuals that want to make representations to this Committee, we will just try schedule them in. And if we need more time we will ask the House Leaders for additional time.

Mrs. Marland: That is fine.

Madam Chairman: The motion is withdrawn so we have no --

Mrs. Marland: On the basis of Claudio's --

Madam Chairman: The Clerk is already seeing if it is possible to get ads in.

Mrs. Marland: Okay, that is fine.

Madam Chairman: And the amendment is withdrawn to the motion as well?

So there is no discussion on those. We can move back to --

Ms. LeBourdais: Madam Chairman, if I may, are we not then attempting, in theory, to go ahead with placing the ads?

Madam Chairman: Yes. The Clerk is finding out what is possible and we will report back to us.

Ms. LeBourdais: Can I speak against that at this point?

Madam Chairman: Yes, you certainly can. There is no motion before us. This is information that has been gathered at this point.

Ms. LeBourdais: But was not part of the initial motion to place those ads tomorrow?

Madam Chairman: No, no. The motion has been withdrawn.

Ms. LeBourdais: So therefore are we not cancelling --

Madam Chairman: No, no. The investigation is still going on and the Clerk will report to us.

I think at this point what we should do is move on to the briefing by the Ministry on the Bill as a whole. All right? Are you ready to report to the whole? (Laughter)

Clerk pro tem: Okay. The --

Mr. Farnan: Madam Chairman, I am sorry. I just do not

understand the process; maybe you can explain it to me.

The decision of Mr. Polsinelli, or the proposal of Mr. Polsinelli, is there any discussion on that proposal?

Mr. Polsinelli: The consensus.

Mr. Farnan: I heard consensus, but that --

Mr. Owen: Could we hear what is available, Madam Chairman?

Madam Chairman: The discussion is going to be from the Clerk as to what is possible to do regarding Mr. Polsinelli's suggestion and that is what I have suggested that --

Mr. Farnan: And then there would be discussion?

Madam Chairman: And then we would discuss what was appropriate for us to do, but --

Mr. Farnan: Fine, thank you very much.

Madam Chairman: -- without the information that the Clerk has gathered, we cannot make a decision and it would be in a vacuum. So what have you got for us?

Mr. Farnan: Okay.

Clerk pro tem: Okay. The word that I have from our advertising company we deal with is that if I can get them the information within half an hour, they can try and get it into The Star tomorrow. They cannot guaranty anything and we will not have any proofs and we will not able to check that any of the advertising is correct.

If I get the advertisement to the company this afternoon or first thing tomorrow morning, we can have it run in the three papers on Wednesday morning. So that is where we are at right now.

Madam Chairman: Discussion on that, Ms. LeBourdais?

Ms. LeBourdais: Madam Chairman, I would just like to say that I think at this point we are just throwing money away.

A decision was made by the Chair on the advice of the Clerk. I think if you had the right to make that decision -- advertising is only one method of communication. You chose other routes which are perhaps even better in this instance than advertising. I think at this point to give people one day's notice or perhaps two at the most will not give them adequate opportunity to prepare their

presentations, and I feel really to throw money at this point would be a waste and not serve anyone well.

I think that those people who are interested would have been given the appropriate information in the manner that you chose. People that are not interested do not follow this, but those who have specific concerns would be aware of the situation via the methods that you chose, and I think as a last minute stop-gap measure of throwing out the window -- and, quite frankly, you will never make it by tomorrow's paper.

Madam Chairman: Okay. Mr. Mahoney?

Mr. Mahoney: Can I have some clarification. Do you a motion, in fact, that such an ad be placed?

Madam Chairman: No, I do not, no.

Mr. Mahoney: Would that not be necessary for us to have a motion of this committee to go ahead with that since it is not government policy, I am surprised to find out?

Madam Chairman: Okay. I would be willing to entertain a motion.

Mr. Mahoney: Well, I am not prepared to put it --

Madam Chairman: Okay.

Mr. Mahoney: -- but we should have one if there is going to be, otherwise we are just talking in circles.

Madam Chairman: Okay. We now know what kind of time frame we are dealing with and whether or not it is realistic to expect people to be able to respond within the time frame that we will be sitting here dealing with Bill 29.

Mr. Mahoney: But is Mr. Polsinelli moving that this Committee direct the Clerk's department to place an ad in tomorrow's paper or Wednesday's paper? Is that a motion that is on the floor?

Madam Chairman: No. Mr. Polsinelli is your recommendation a resolution, a motion?

Mr. Polsinelli: Madam Chairlady, you can call it what you wish. If the Committee reaches a consensus to operate in a certain way, then we can direct the Clerk to do that. It does not necessarily have to be framed in the form of a motion or a resolution.

Ms. Bryden: Point of order. I think it should be a motion. It is a decision that the committee is supposed to make which it sometimes delegates to a steering committee.

Madam Chairman: Okay. Well, we can operate, as the Clerk tells me, on consensus and make that decision or we can have a resolution if you would put a motion before me.

Mr. Mahoney: Madam Chairman, the reason I ask that is that I believe that it is going to be necessary to take a vote on whether or not we go ahead and put an ad in the paper tomorrow because I tend to think that it is ununfortunate perhaps that there is not such a policy that all committees do advertise, and I have to admit I am surprised to hear that.

Having said that, I think that you, as the Chairman, have acted totally properly within the existing policy that we have at Queen's Park, and as such, we should get on with the business of this Bill. Because whether it is a tactic or not - and I am not suggesting it is, Don - whether it is or not, it is going to result in a substantial delay of dealing with the fundamentals of the Bill.

It seems to me that you have reached out to contact the parties involved through your efforts, and I agree with the previous speaker that there is more than one way to skin a cat in notifying the people involved in this. It seems to me that this Committee might well put a motion to recommend to Internal Economy that such a policy should indeed be in place for all committees in the future.

And it is perhaps by the actual title of this Committee, being that of General Government, that that would be a very appropriate issue for us to recommend to the government that such a policy be in place. But to try to change it on the fly as we are this afternoon is simply, in my view, interfering with the business of this Committee and the business of the government.

I also think, too, Madam Chairman, that you would be creating false expectations. By putting an ad in, you would not be allowing people a proper opportunity to prepare a presentation to come before the committee. You would be telling them they have got two days' notice, and I think you are going to generate an awful lot of complaints from people saying, "Why are you giving us such short notice?"

You have put the Notice out. The agenda is struck, and frankly perhaps a motion to approve the agenda as it appears would be something that would be more in order than going to advertising.

And I would so move that we approve the agenda that is before us which includes the amendment to hear from the Minister from 4:30 to 5:30 on Tuesday and get on with the hearings.

Madam Chairman: Okay. Have I a seconder to that motion? Seconded by Ms. LeBourdais.

Speaking on that motion, Mr. Farnan.

Mr. Farnan: Well, I think this motion in essence does the exact opposite to what the Committee would hope to do, and that is to give the perception and the reality of as much input and as open a democratic process as possible. This motion is closing the door. It is saying, "These are the delegations and that is it."

Rather than putting off participation, just listening to the discussion this afternoon there is a real concern that has been expressed that perhaps we are not getting our message out to the community. I would probably presume that the Minister would be very anxious that we do not close the door.

It would be a very bad perception from the point of view of the government, from the point of view of the House, that on such an important issue we are saying we did not advertise and we are not going to hear anymore delegations, and that is what this motion does.

I think when the House Leaders made an agreement that this would be back in the House next week, I would presume that it was on the understanding that it was with full participation that the public would be made aware, would have the opportunity, to participate.

The motion I think that has to go through, and I will place this after this motion is dealt with, is that this be sent back to the House Leaders for their disposition tomorrow so that there would be some direction. I certainly would not want to be part of a committee that was saying, "We will not take out an advertisement."

There is an opportunity under Mr. Polsinelli's suggestion that perhaps we can get the message out, that even if next week while the House sits we were to listen to delegations, additional delegations, if the Bill is that important, and I believe it is, there is no reason in the world why the House should not sit for an additional week while this information is gathered and an opportunity is given to the citizens affected to participate.

So my suggestion would be, and I will draft a motion now to present afterwards and I would hope that this motion would be defeated. At the very least Mr. Polsinelli's motion or suggestion I think has some merit to open the door. Mr. Mahoney's motion closes the door and says, "No more participation."

I think if we are going to meet the time line of the

House Leaders, we should be (a) sending it back to them and asking them if they are prepared to go through with this Bill without the full participation of those affected. I would be shocked if the Minister responsible said, "Yes, let's rush it through," and I would be very surprised if the House Leaders of the opposition parties said, "Yes, let's rush it through."

The last thing that we want is that there be a perception or a reality that all concerned did not have the opportunity to participate.

Madam Chairman: Mr. Daigeler?

Mr. Daigeler: Well, I just would like to say that I feel that the public certainly has been made aware of the business that we are discussing, and above all, there has been ample opportunity to talk about the subjects that we are discussing. It is not as though the public has heard of this for the first time.

I have this report in front of me which gives a history of consultation, and we are not talking informing the public for the first time here. This is the end of a very long consultation process, and I think to try and say all of a sudden that people have not had a chance to express themselves, I think that is misleading.

So therefore, I encourage us again to go ahead with the job. There has been lots and lots of study, there has been lots and lots of attempts to have the public informed, and we received the opinions of the public.

So I think now it is our responsibility to study the matter in detail and then make a report to the House, so I would ask us to vote in favour of a motion.

Madam Chairman: Mr. Matrundola?

Mr. Matrundola: Thank you, Madam Chairman. I would like to get some clarification. I am a newly-elected member here and so are many other members of this committee, including yourself, but then there are some members that have been serving the government of Ontario for awhile.

Now, I believe that a committee to amend the Municipality of Metropolitan Toronto Act has met on previous occasions during the tenure of the previous government. I would ask through you, Madam Chairman, to the honourable member from Markham what is the precedents, if any, in this type of committee and if advertising has been the practice in the past.

Now, the Act has been amended before. This is not the first time. In the last number of years what has been the

practice? Has it been advertised? And how and how many days before and what have been the opportunities or has never been done before? I would really appreciate it if I could be enlightened on this. Thank you.

Madam Chairman: Well, Mr. Cousens is next on the list.

Mr. Cousens: The question is that there have often been amendments to the Metropolitan Toronto Act in the past, and if they are going to be that big, then they will go to a public forum and public hearings.

But normally most of them are so minor that there has not really been an awful lot to it. It would be debated in the Legislature. It will go to Committee. There is some back and forth. There might be some representations from counsel.

So it varies. It can be done in the House, it can be done in Committee, it can have public hearings, and it goes right across the map. I think the difference on this one is that my view and that of my colleague is that it is such an important Bill that we wanted to have it out in the Committee for public hearing to get the feedback of the whole community.

Mr. Matrondola: Madam Chairman, I have no problem with that. The point is that if this is considered to be a major amendment, there have been, no doubt, other major amendments to the Act in the past.

And the point is, What has been the precedent? Because for what I know in a court of law, usually we go on precedents, and if there have been precedents, then there is merit. If there are no precedents and if he cannot give us the proof today, I think that we will have to get on with the Committee and serve the people of Ontario and listen to the presentations that people are scheduled to make. Thank you.

Madam Chairman: Thank you. Ms. Bryden?

Mr. Cousens: Was I next? I think I was.

Madam Chairman: You were. I thought you had finished.

Mr. Cousens: I was just commenting on his question.

Madam Chairman: I am sorry. You were the next on the list and I thought that that was your comment.

Mr. Cousens: I think that Mr. Daigeler has said it is probably best for the government when he says the public has been made aware, and if he believes that for a moment, then I say we have got a major problem in what public information

sharing is through the Parliament of the province of Ontario, because if the public had been made aware of what this Committee is doing and what is happening here today, then I have to say that I disagree strongly with what that member has said.

I think the fact is the public knows that there has been something going on for a long time. They have no idea that this is their last chance, the last chance that the public of Metropolitan Toronto have either elected politicians or ratepayers or ratepayer groups or whoever to make their views known, that the public hearings that are going on in Queen's Park are going on in private, and they are going on without the whole public being made generally aware of it.

Well, but that is what you said. The public have been made aware, and I am not satisfied that they have been and that was the intention --

Mr. Daigeler: On the point of order.

Madam Chairman: Your point of order, Mr. Daigeler?

Mr. Daigeler: I think it is being alleged here that this Committee is meeting in private. I take objection to that. You have spelled out in the way you have advised the public, and this was accepted including by the member as proper at the beginning of this meeting.

Mr. Cousens: I make the point that the public do not know we are meeting and that greatly concerns me. I do not know how we solve it now, and I think that the problem is far greater than we are going to be able to solve now.

I know there are presentations to be heard. I do not want to delay those. I thought Mr. Polsinelli came through with a very good suggestion. He was willing to try to come up with some way of solving it.

There is now a motion on the floor --

Mr. Polsinelli: I might have to compromise. I am going to make an amendment to Mr. Mahoney's motion that may go back to the same effect that we had discussed before, and my amendment is to the effect that the Clerk, in addition to Mr. Mahoney's motion, that the Clerk be directed to place advertisements in the three Toronto dailies as quickly as possible, and that should the Committee require additional sitting time, that the House Leaders be asked to approve same.

I think effectively then if the amendment carries and Mr. Mahoney's motion carries, what we will have done is approve the schedule, place the advertisements, and if any further deputations come before us, we hear them and we ask

the House Leaders for additional time.

Madam Chairman: I need a seconder.

Mr. Polsinelli: You do not need a seconder.

Madam Chairman: Secunder? Have you got the wording?
Discussion on the amendment. Mr. Owen.

Mr. Owen: Madam Chairperson, I hope that we are elected to show our concern for people, the rights of people, and also to show common sense, and we look to see why we have advertising in any instance. We have it sometimes because the law says you must advertise for this or that purpose, and we have concluded that that is not here. So the law does not require we should advertise in this instance.

The other reason we would advertise is to get a message across, and the message here if we had advertised was to say that this is going to be looked into and possibly recommendations going to the Legislature.

In this particular instance, we have had all of the media tell all of the people of the province, let alone the people here, that we are here now and for this purpose. We have all seen it in the newspapers. We have all heard it on the radio. We have all seen it on television. What is an ad going to do that the media have not already done for us?

Well, I am sorry but we are here to do a practical job for the benefit of all the people, not for some person who wants to theorize over whether this should or should not have been done.

The media at no cost has advertised this extensively by their reporting, and I commend the media that they have done that because I have been hearing it from all the municipalities in my part of the province, let alone at media here, let alone the people here, let alone the politicians here. I have heard it from everywhere. So they have done their job.

The second thing is in addition to commending the media, I would like to commend the chairperson because the chairperson said, "I want to make sure that those people most likely to be concerned --" and in case it is not getting media coverage "-- I want to make sure that they know."

And so the Chairperson saw that every municipality involved, every school trustee involved, every ratepayers association was involved, and I think she should be commended for being practical, for using common sense.

The impression that the public should have is that we

have gotten the message out, that we were open to hear from them, and that is exactly what we are hearing. And I was very impressed when I was told last week when I was trying to find out how many groups we are going to be hearing from of all these people who phoned in and inquired about what was going on said they were content and they would not be appearing. But at least they were involved and at least they wanted to do something, if they wanted to do it.

You know, I can remember since almost the day that Metropolitan Toronto came into being, almost the day after, there have been complaints that reforms were required. Almost the day after. And we have had reports that have come in, and the perception of the public is that reports have been made - and I can tell that the Conservatives are hanging on my every word - the reports have been made on the problems of Metro and they have been discussed and discussed and discussed, and people have had input into the hearings and nothing has ever happened.

And I, too, am concerned along with Mr. Cousens about how we are perceived and what kind of example we set, and I do believe that we have an obligation to be perceived as being full of common sense and also be perceived as willing to do something for the problems that have been there for years and years and years.

This is our opportunity. I think that we have done more than we need to do in letting the people become involved, and I would oppose any more advertising and any more delays.

Mr. Cousens: When people wake up on November 14, they are going to wake up and not like what they see. And I --

Madam Chairman: Order. Order.

Mr. Owen: I can preach as well as you can preach, and I believe that we --

Madam Chairman: Thank you. Order, gentlemen. The next on the list is a lady, Ms. Bryden.

Ms. Bryden: Madam Chairperson, I agree that we will be criticized if we put an ad in now because the notice will be very short, although I think the ad, if we do put it in, should not have a deadline on it. It should just simply say we invite people to phone who are interested, to phone as soon as possible - who might be interested in appearing - that the committee is now sitting, and so on.

With that understanding that the ad does not have a specific deadline but urges immediate contact and a phone number, I would support the amendment and I would hope that the ads could be be got in today.

But we should also immediately talk with the House Leaders to see if there is a big response, that additional time during the week of February the 8th can be arranged, because we must then have the Clerk informed as to what she can tell people as to when they might have a possibility of being heard. But to expect them to phone by Thursday or Friday and come in that day is not very realistic. So I think we have to assume that we will encourage them to phone at least with the possibility of being heard next week, but do not put the dates in.

Madam Chairman: Mrs. Marland?

Mrs. Marland: Madam Chairman, I am sorry that is becoming such a difficult meeting for the first meeting that you have chaired. However, based on your strong municipal experience, I can see you are well capable of being an excellent chairman.

There are two aspects about living and working and being part of a democracy, and one of them is how our elected officials are elected at any level of government, and that is what this Bill is about.

The other is the expectation of how our elected officials go about their business, and when I think back on my limited experience at Queen's Park, which albeit is probably longer than the majority of members on this Committee as it works out for the balance of this Committee membership, we have advertised for many many items, subject of discussion, many many important bills - the Family Law Reform Act, Bill 30, Bill 7, Free Trade, Pension Reform - any number of important areas of concern and responsibility to the public.

We are dealing now with a subject that is the overall priority of how to elect the people who represent them at the local municipal level in the Metropolitan Toronto area.

I would like to point out that my questions today in no way were theorizing; my questions were very practical. When this matter was referred to this Committee for public input, it would be assumed that that is what it would be, full public input. I am simply saying that the right of people to elect their representatives in Metropolitan Toronto is based on full public input. The decisions on Bill 29 should have been on full public input.

It is true that we are now in a very tight grasp in terms of time but, in fact, it is a sad situation that we are in because if we are going to refer something to a committee for full public input, it would follow without question that it would be fully advertised.

Recognizing that that has not happened and recognizing

that there has been an agreement by the House Leaders, I would suggest, with respect, that I am quite sure that when the House Leaders agreed to assign just this week, they probably assumed that it would be fully advertised. That has not been done.

I feel very strongly that from this point forth, this Committee definitely should make a recommendation that all committees that have matters referred to them for full public input automatically advertise, and then the credibility of the Committee will stand.

I feel it is unfortunate that any member thinks that my colleague and I are theorizing. What we are trying to do is give representation to this committee for all the people who live in Metropolitan Toronto and for those of us that have served as regional and city councillors - and I guess there is at least three of us, four of us on this Committee that have done that - we know that it is not only what you do; it is the perception of how it is done.

And I would think that the Liberal government of Ontario today who plead very openly and broadcast very strongly their open government would have wanted this matter to have been advertised; that is simply all the discussion that we are dealing with.

Madam Chairman: Thank you, Mrs. Marland.

Mr. Farnan, are you giving me a motion to call a question? I'm sorry; I have another motion.

Mr. Farnan: On a point of order, I believe. My understanding is that Mr. Polsinelli's amendment is not in order because it does not address the intent of the original motion. The original motion is to put --

Madam Chairman: No, no.

Mr. Mahoney: Point of order. It never was. The original motion is very simple.

Madam Chairman: The original motion was to approve the agenda and the motion to amend it is in order which adds that the Clerk advertise a.s.a.p. and that if need to move next week, then it is in order.

Mr. Farnan: Madam Chairman, in speaking to the motion Mr. Mahoney was very specific that these would be the delegations heard and that would be the end of it.

Mr. Mahoney: Point of order, Madam Chairman.

Madam Chairman: Yes, your point of order?

Mr. Mahoney: Mr. Farnan was very specific in interpreting my motion to be one of closure. It was not one of closure. It was simply that we approve this agenda and try to get on with the business of this Committee and this government.

Mr. Polsinelli has moved an amendment which I will support in the interest of getting on with the task at hand, and even though I think - and I have stated my position that I think we are perhaps spinning our wheels in putting an ad in tomorrow - if it will allow us to function and conduct the art of the possible, which is what we are here for, then let's do it.

Madam Chairman: Okay. Mr. Mahoney, you were making a motion that the question be put?

Mr. Mahoney: Yes.

Madam Chairman: Is there a seconder to that motion? We do not need a seconder? Okay.

Mr. Farnan: Madam Chairman, was my colleague's amendment included that there be no time limit on the advertisement?

Madam Chairman: No, that was not an amendment. It was not an amendment. So we are dealing with the motion that is on the floor.

Mr. Farnan: Fine. Would you explain the motion to me then?

Madam Chairman: Okay.

Mr. Polsinelli: Once the Clerk prepares the advertisement then the advertisement would ask interested parties to call her. Those are generally how the advertisements are prepared.

They do not have a time limit. They do not say, "Call before 4 p.m. or 6 p.m. or tomorrow." They just say, "The Committee is considering this Bill. If you are interested in making a representation or sending a brief, please call the Clerk." That is, I think, what she wants. That is what your colleague, Ms. Bryden, wanted and that is normal practice.

Mr. Farnan: Is there any guarantee that these people will be heard if they phone up next --

Mr. Polsinelli: That will be a committee decision. That will be a decision of the Committee. Once the Clerks presents a list of new deputants or anybody who wants to make representation to the Committee, the Committee will

decide when and where to hear them and will have to seek advice from the House Leaders.

If we need further time to sit, then the Clerk or the Chairman will ask the House Leaders to approve further time. We cannot decide ourselves to sit next week without approval from the House Leaders.

Mr. Farnan: Then on a point of clarification, Madam Chairman, again I must say, Are we placing an advertisement requesting input from people that this Committee may say to, 'We do not want to hear you because it is going to the House on Monday'?

Mr. Polsinelli: That is not necessarily so. If the people phone the Clerk -- if the ad gets in tomorrow and they phone the Clerk tomorrow afternoon, I am sure that the Committee will accommodate them. But if by Friday or Thursday no one has called the Clerk, then I think the Committee can assume that there is no one interested in advertising.

If someone calls next week when we finish the Bill, for example, as stretching out the example to the ludicrous or to the absurd, once we have finished the Bill, what is the use of listening to them?

Mr. Farnan: Well, could we put it that anyone calling before Friday will be guaranteed a hearing?

Mr. Polsinelli: Well then, what you are doing is you are defeating your colleague's suggestion that no time limits be placed.

So it is either Ms. Bryden's suggestion that we leave an open advertisement or your suggestion that we put a time limit and --

Mr. Farnan: No, I am just putting out the concept that this Committee must live by, and what I am concerned about is that we are soliciting input and we may very well be saying to these people, "You are too late" or "We do not want to hear from you."

Mr. Polsinelli: I do not think so. If the ad gets in tomorrow, which is Tuesday, if we get a call Tuesday or Wednesday, as long as we get the call before we start the clause-by-clause, I think we can accommodate the person. I think we can accommodate them.

Mr. Farnan: If we get a call on Friday can we?

Madam Chairman: We can now --

Mr. Polsinelli: Friday, hopefully, we will have

finished the Bill.

Madam Chairman: The Clark has stated that she does not believe that we can now, judging from the time, get an ad into tomorrow's papers.

Mr. Polsinelli: Well, we will get it Wednesday.

Madam Chairman: So we have an amendment moved by Mr. Polsinelli that the Clerk be directed to place ads in the three metro papers as quickly as possible and, if necessary, request additional time from the House Leaders. And that amendment is what is before us at this point.

All those in favour of the amendment? The amendment is carried.

Now, the motion as amended is that the amended agenda be approved with the additional amendment. All those in favour? Carried.

We will now proceed to the briefing from the Ministry officials, and I believe Mr. Lesurf is going to be making the presentation.

Mr. Lesurf: Thank you, Madam Chairman. I have got this slide projector here.

[Slide Presentation]

Mr. Lesurf: What I would like to do, Madam Chairman, is give an overview of what currently exists in Metropolitan Toronto, talk a little bit about the consultation process that has occurred to date, and also summarize for the members of the Committee the major policy initiatives that have been implemented in Bill 29.

Now, in respect of Metro Toronto itself, it is essentially a federation of the six area municipalities of Scarborough, North York, Etobicoke, York, Toronto and East York. It has got a population of over 2 million people, and currently Metro Toronto spends over \$2 billion per annum in operating expenditures and another \$500 million per annum in capital expenditures.

It is, in fact, the second largest government in Ontario after -- the first largest after the province, and because of this, I think it deals with a number of major areas. It provides the trunk lines for sewer and water those area municipalities, it provides policing for the area municipalities, it provides transit for the area municipalities, it provides the social services for the area municipalities, et cetera.

In respect to Metro Toronto Council itself and the

political organization, I propose to run through a number of slides that set out the current status quo or the current situation.

Currently there are 39 Metro Councillors plus the Chairman for a total Council size of 40. They are elected to Metro Council in a variety of ways. City of Toronto, for instance, currently sends the Mayor to Metro Council along with 11 Metro Councillors. In the case of the City of Toronto, they currently have a 23-member local council, they have got 22 wards. Eleven of the existing City of Toronto aldermen are elected to serve both on the City of Toronto and on Metro Councils. So they have a system called jointly direct type of system.

In the case of Etobicoke, they send the mayor to Metro along with the four controllers, and the controllers are elected at large in the City of Etobicoke and form the Board of Control for Etobicoke. In the situation of York, they send a Mayor and two Controllers. In the case of North York, they send the Mayor, four Controllers, and then Council, in addition, chooses five aldermen. In East York, the Mayor and one alderman chosen by council represent them on Metro Council. And in the case of Scarborough, it is a mayor, four controllers and two aldermen.

So we have this Metro Council that is composed of a variety of different representatives: the 6 mayors, 14 controllers from across Metro, 19 councillors and the Chairman, the Metro Chairman who is chosen by Metro Council and currently does not hold an elected office.

The Metro Chairman does not have to be a politician. It can be anybody currently under the legislation. If it is a politician or a local politician that is chosen by Metro Council, that politician must resign his or her local seat.

In 1986 the previous Minister of Municipal Affairs established a task force to look at the structure of Metro Toronto. This task force was made up of representatives of the Ministry of Municipal Affairs along with the representatives from the area municipalities and a representative from Metro Council or Metro Toronto.

They met over a period of months and finally issued a report in November of '86. That report here, the Analysis and Options for the Government of Metropolitan Toronto, outlined a series of options rather than recommendations that the Minister subsequently asked the area municipalities in Metro Toronto and ratepayer groups, et cetera, to get back to the Ministry and the Minister with their recommendations on the type of organizational structure that Metro Council should have in place.

Now, to this I might add that we have been dealing with

this particular situation over the last two years essentially. Prior to that, you know there was the Roberts Report in 1976 which dealt with similar types of issues. It again dealt with things like direct election to Metro Council, the selection of the Chairman of Metro, et cetera. So the review of Metro has been something that has occurred over a long period of time.

Now, in respect to Bill 29, we basically have covered within that Bill five major topic areas. The first deals with the selection and size of Metro Council. The second deals with the selection or election of the Metro Chairman for Metro Toronto. The third deals with the executive committees both at Metro and the area municipalities, and the last major area deals with the structure for Metro wards.

In the case of Metro Council itself, I mentioned earlier that we have a Council that is made up of 40 members: the 6 mayors, 14 controllers, 8 aldermen councillors, 11 joint seat Toronto councillors, and the one Chairman.

Metro Council did come to the Ministry a couple of years ago to ask us to consider increasing the size of Metro by four additional seats in order to balance out 'rep by pop'. Subsequently to that, it was agreed to undertake this total review.

Under Bill 29, what is being recommended is that we have a Metro Council proposed of 34 members, 28 which would be directly elected, and I think our next slide will show the distribution of those councillors across Metro based on representation by population in the six mayors. This was one of the options that was outlined in the analysis and options task force report and it was the one that received most of the support.

Mr. Cousens: Madam Chairman, may I ask a question at this point?

Madam Chairman: I think the appropriate thing to do would be to complete the presentation. Hopefully your questions will be answered, but if not, then I will open the floor to all questions from all members.

Mr. Cousens: Thank you.

Mr. Lesurf: In respect to distribution, basically the Council size will be as shown. There will be 28 directly elected Metro councillors based on a 'rep by pop' of approximately one rep per 75,000 people, and that distribution balances out representation by population for the area municipalities.

In addition, I think all submissions that we received

indicated that the mayors should serve on Metro Council to provide that direct linkage between the Metro and the area municipalities.

Pertaining to the election of the Metro Chairman, currently any person can be elected as the Metro Chairman. The selection is made by Metro Council. If Metro Council chooses one of their own members that currently holds an elected seat, that person must resign that seat.

What Bill 29 proposes is that Council still be allowed to select the Metro Chairman, that the mayors will not be eligible to serve as Chairman, but the Chairman would have to retain his or her elected seat. So the idea here is that the Metro Chairman will be chosen from amongst the 28 directly elected Metro councillors.

In respect to the Metro Executive Committee, currently under the legislation the Metro Executive Committee exists by statute. It has certain statutory powers. There was a feeling that we should get out of the business of telling a municipality of how best to organize itself and allow the individual municipality to establish its own committee structure in the manner which they felt was best to do their own municipal business.

Therefore, Bill 29 basically does away with the statutory provisions which specify the powers and the membership of the Metro Executive Committee, and it allows the Metro Council to determine its own committee structure. If they so decide that they wish to retain an executive committee, they can do so.

Similarly with the Boards of Control, across Metro Toronto currently there are four Boards of Control: one in Etobicoke, one in North York, one in Scarborough and one in York. They have got certain powers under the Act. They normally deal with things such as financial matters, tendering items and personnel matters.

Council must decide by a two-thirds vote to overturn any Board of Control decision. There are only five Boards of Control across the province with four of them being in Metro.

It is our proposal under Bill 29 to remove the statutory requirements for Boards of Control but to allow the individual municipalities to establish the Committee structures that they so feel best suits their particular way of doing business and to give those individual committees the powers or delegate to them the powers that they so desire. This would be consistent with the way business is done across, generally, the rest of the province.

Pertaining to Metro wards, currently there are not Metro

wards in Metro; there are only local wards. What Bill 29 proposes to do is establish Metro wards. Those Metro wards would be located within the area municipalities, so, for instance, within Bill 29, it says that East York will be a Metro ward for the purposes of electing Metro Councillors.

For 1988, the Metro wards will be implemented by order in council if this legislation is passed, and subsequent to the 1988 municipal elections, any changes to the wards would be done through the OMB process. I understand most of the municipalities are well underway in coming up with their proposals for Metro wards, and we would be able to hear from them shortly.

This is a summary basically of the key policy areas in Bill 29:

To have in place a system of direct election with 28 Metro councillors across Metro in Metro wards; that the mayors will continue to serve on Metro Council; that the Chairman be selected from amongst the directly-elected Metro Councillors; and that there be no executive committee requirements in the legislation but allow the municipality or Metro Council in that case to establish its own committee structure.

In respect to the area councils, we would remove the existing Boards of Control and allow the area municipalities to establish their own committee structure. And in addition, the Minister has asked the area municipalities through this whole process to review their own Council sizes.

And Madam Chairman, that is the presentation. I am willing to respond to any questions that members might have.

Madam Chairman: Thank you, Mr. Lesurf. The first questioner is Mr. Cousens.

Mr. Cousens: What was the process that you carried on last May, June with the municipalities to dialogue with them on the proposed changes? Can you give me some details of what you did? Do have correspondence? Did you have discussions? Did you have formal meetings from the Ministry?

Mr. Lesurf: With the municipalities?

Mr. Cousens: Yes.

Mr. Lesurf: Okay. As I mentioned, within the task force itself each of the municipalities was represented and Metro was represented as well as the Ministry. So there was an ongoing dialogue over that period from February of '86 to November of '86 and the production of this document with

individual members, task force members, reporting back to the Chairman or the head of Council.

The Minister released this document in November of '86. He released it to the public. He also released it to the area municipalities. He at that time had met with the heads of Councils indicating that it was his proposal to do something with the options outlined in the task force report and asked the heads of Councils at the meetings as well as in his correspondence to get back to him with their particular recommendations.

The municipalities were asked to consult with their publics on the --

Mr. Cousens: Did he have the specific recommendations that are now contained in Bill 29 when he was talking to them back --

Mr. Lesurf: No.

Mr. Cousens: So what was he really talking about at that time?

Mr. Lesurf: He was asking them to come forward with their recommendations on these particular options. For instance --

Mr. Cousens: That is fine. They did not have --

Mr. Lesurf: No, no. In the case of -- say you take a simple one, the selection of the Chairman. Again here there are three options --

Mr. Cousens: That is right.

Mr. Lesurf: -- and what he was asking for was input from the areas municipalities on each of those topic areas.

Mr. Cousens: The first time that the Councils truly understood what Bill 29 was all about was the day it was tabled because there was a luncheon prior to it being tabled in the House, so that they really did not know what he was going to conclude after those deliberations. Is that the general feeling? Because they did not see Bill 29 or the guidelines that the Ministry was dealing with at that point.

Someone is behind you.

Mr. Lesurf: Well, there was the statement in the House on November 4th.

Mr. Cousens: Okay. But prior to that there had not been any specific details of how the Bill 29 would look?

Mr. Lesurf: I do not think they had seen Bill 29.

Mr. Cousens: Just one more --

Mr. Lesurf: But, if I might add, what is being proposed in Bill 29 I think are the recommendations that have received the majority of support both from the area municipalities as well as ratepayer groups, the Toronto Board of Trade, et cetera, those groups that wrote the Minister directly.

I guess that is it.

Ms. Kipp: If I could interject, Bill 29 was based on municipal input.

Mr. Cousens: Okay. No, that is fine. I understood that the Bill was ready. In fact, there was a phone call from the Ministry of Municipal Affairs to Mike Breaugh, the NDP rep, in May telling them that Municipal Affairs had the legislation ready to table in the House. Is that something you would like to comment on?

Mr. Lesurf: To the best of my knowledge that is not correct. The Bill was not drafted until - and this is our solicitor - until just prior to the introduction.

John, would you like to respond to that?

Mr. Chipman: I would say, Madam Chairman, that is correct, that the Bill was being drafted for a period of time up to very shortly before it was, in fact, introduced in the House.

Mr. Cousens: So there was not a draft ready back when they were sitting in May, June?

Mr. Chipman: What time are you referring to?

Mr. Cousens: Before the House rose in the summertime. Sometime in May, June of '87 I had been led to believe that there was a draft ready then to be tabled in the Legislature.

Mr. Chipman: There was no draft at that time, Madam Chairman.

Mr. Cousens: Madam Chairman, one more question. Of the present representation on Metro Council, how many members of Metro Council are not members of a local council?

Mr. Lesurf: Currently?

Mr. Cousens: Yes.

Mr. Lesurf: Currently they are all members of a local council, except the Chairman.

Mr. Cousens: So all of them have double -- they sit on both local and --

Mr. Lesurf: That is right.

Mr. Cousens: Why then - and I am going to ask the Minister this and maybe you would not want to answer, and I do not want to put you in any kind of position, but you sound really good.

Why then are you having so that there will only be six that serve on local councils who are the mayors and then everyone else will not be on the local councils.

Let me lead into why I am concerned, because there is an area of joint responsibility on parks and roads and planning and others issues that are both local council and Metro Council, and yet you are only going to have one person that sits on both councils. Why have they gone to such an extreme of non-representation from local councils? Because they wanted it, or is there any other reason?

Mr. Lesurf: Well, I think - and I could be wrong - but four out of the six area municipalities supported direct election. But in addition to that there is a rationale on why direct election is important.

First of all, Metro Toronto is a major government. It spends \$2 billion a year in operating expenditures, and as I mentioned, another \$500 million in capital expenditures.

Mrs. Marland: Are you saying billion or million?

Mr. Lesurf: Billion.

Mrs. Marland: I thought so.

Mr. Lesurf: Billion. No, it is a very large government, and in our view requires the full time of council members.

In addition to that, there was this question in terms of clarity in the system. You have a situation in Scarborough, for instance, where you elect a controller. That controller sits on Scarborough Council as the Board of Control also goes to Metro.

So that brings in a question in this whole area of accountability, Who is responsible for that two and-a-half billion dollars annually that Metro spends? and should there not be a method by which the public is aware of Metro issues, the importance of Metro issues, the size of spending

on Metro issues, and has a direct method of holding representatives on Metro Council accountable for whatever decisions they make?

I think direct election provides that direct linkage to the public, and at the same time by continuing the mayors as serving on local councils as well as Metro Council, you retain a linkage to the area municipalities. So in our view you get the best of both worlds.

As I say, there was a great deal of support from the ratepayer groups, from the area municipalities, for direct election.

Mr. Cousens: It is a source of great concern, Madam Chairman, that I will just table because one of the amendments that we have tabled has to do with this.

The only link between the local councils and the new Metro Council is the mayor. And if the mayor is not the supreme communicator that we all hope he is going to be - or she - then you could end up having both councils operating in a vacuum in a no-man's land on those areas that are of mutual responsibility. And what guarantees are there in the legislation that tells us that there will be no problems in that working out? Whereas there is now, when you have got a person that is on the Metro Council on the local council, they are all in that position. Now you are going to have that --

How are you going to give me satisfaction that it is not going to be a source of conflict, source of problem, source of disagreement where you have got them -- they are not even sitting in the same council chamber all all the time, but yet they are going to have mutual areas of overlapping concern which they might end up not handling as nicely and neatly and conveniently were they have to sit in the same council. What guarantees are there that you can solve that one?

Mr. Lesurf: I am not sure if this is a political question that I am responding to.

Mr. Mahoney: They all are.

Mr. Lesurf: Pardon?

Mr. Mahoney: They all are.

Mr. Lesurf: There are no guaranties, but I think in terms of where the support for direct election was, you know, it did come from councils. I think the system can work. It has worked in some of the regional governments.

Mr. Cousens: Winnipeg?

Mr. Lesurf: No. Like Niagara.

Mr. Cousens: Because it did not in Winnipeg. I am not trying to give you a tough time.

Mr. Lesurf: You still have got this linkage to the public, the people that we all serve. I think that is important as well as that linkage to the area councils through the mayors.

Mr. Cousens: How would you handle that area of joint state planning where it is both local and metro? How would they handle their planning difficulties? Because I have already heard that Metro Council is going to prohibit Toronto Council from doing certain things, that they would try certain things in planning. How is that not going to become a source of conflict?

Mr. Lesurf: Well, I think there are certain areas where responsibilities are clearly defined, like the social services area. There are some areas - and I think you mentioned one such as planning - where there could be some overlap. But even there, I think generally the specific responsibilities are fairly outlined.

In other words, Metro Toronto has been assigned certain responsibilities under the legislation and the area municipalities, other responsibilities. And where they touch, one expects not only the councils but the staffs to get together to sort those problems out, as they do now.

Mr. Cousens: I do not mean to put you in trouble. I think that is a source of major problems with this legislation, and I guess, to me, there will be lots of other times.

Thank you, Madam Chairman. Is there a copy of the presentation that you gave?

Mr. Lesurf: We could make up hard copies of the overheads. Sure, we will get those prepared for the Committee for tomorrow morning.

Madam Chairman: Fine. Thank you Mr. Lesurf.

There are more questions? Mr. Mahoney.

Mr. Mahoney: Thank you, Madam Chairman. On the issue of the Board of Controls, Madam Chairman, we are hearing that you are going to abolish the Board Control throughout the area municipalities and give them the authority to appoint an executive committee; is that correct?

Mr. Lesurf: Yes, that is correct.

Mr. Mahoney: Are you talking about transferring all powers that a Board of Control currently enjoys to an executive committee?

Mr. Lesurf: No. It would be transferred to councils. Like the council itself would have --

Mr. Mahoney: So an executive committee would simply make representations to councils?

Mr. Lesurf: That is right.

Mr. Mahoney: They would, in effect, really have no authority?

Mr. Lesurf: That is right.

Mr. Mahoney: Okay. I think that that is important, by the way, because if you are going to do away with the theory of a Board of Control being elected, I do not think we should have an executive committee appointed. Then you would be excluding certain members of council from having a say in pretty major decisions. So I think that is an important aspect of it.

I am interested to hear, as a former member of a municipal and regional council, which Metro indeed is, the comment that we are going to encourage area municipalities do reduce their numbers. Do we really seriously think they will?

Mr. Lesurf: Well, the Minister has written each head of council and has requested that they consider their own council's size through this process. So that where it perhaps makes sense to have a smaller local council, that they give that some consideration. But he did want the option left open to the area municipalities and they currently have got that power now.

Mr. Mahoney: Is there a possibility that at sometime in the future if the new system is implemented and it functions for a term or two that we would look at going in and changing the structure of the area, the local area municipalities?

Mr. Lesurf: We have no plans at the moment to do that but the possibility always exists.

Mr. Mahoney: I guess it is possible --

Mr. Lesurf: Yes, that is a political decision.

Mr. Mahoney: Mr. Cousens referred to the information that was made available to both Metro Council and the area

municipalities in this book. Does this not, with the exception of the actual number of 34, really outline Bill 29 as an option?

Mr. Lesurf: Well, actually I think 34 is in here as an option. Like, the 28 directly-elected councillors is based on one of the options in here plus the mayors to serve is not one of these options.

Mr. Mahoney: Well, your answer to the question by Mr. Cousens was -- his question was, Did they have Bill 29 before them when they were deciding on their preference? The answer is, Yes, they had it before them as an option, not as a Bill.

Mr. Lesurf: That is right.

Mr. Mahoney: That was not quite how I interpreted your answer. I thought you were saying that they did not have the essence of Bill...

Mr. Lesurf: As I interpreted Mr. Cousens's question, it was basically, Had the Ministry not already prepared the legislation? And could they not have brought it forward sooner?

And my response was, No, that we had not prepared the legislation, that the legislation was not prepared until shortly before the Minister introduced it.

But in terms of options, yes, every council did review this. They did receive input from local ratepayer groups, and did send their recommendations to the Minister. And, in essence, direct election was the option that was chosen by most of the area municipalities and generally supported by those ratepayer groups or associations that sent in responses directly to the Ministry.

Mr. Mahoney: And I believe the majority, if I am not mistaken, three of the six area municipalities plus Metro as a whole preferred the option that is in Bill 29, which is thirty-four twenty-eight plus six?

Mr. Lesurf: Yes. Three of the area municipalities, that is right. East York and York, I believe, preferred direct election but it was the model 1 per 100,000.

Mr. Mahoney: Are you aware of any meetings that took place or what forms of communications were used by the area municipalities or the metropolitan government itself to communicate these options? What circulation did this green book have? Are you aware of what was done there?

Mr. Lesurf: That was actually before my time so I cannot really answer the question.

Mr. Mahoney: Did they put an ad in the paper? I do not want to get into that, but...

Mr. Lesurf: I think some of them did, and I know some of them did send in responses directly to Council with a copy to the Ministry. So I think there was a fair amount of discussion on this particular option paper.

Mr. Mahoney: Okay. The issue raised by the member, by Mr. Cousens, of representation on local council, the theory, I take it, is that the mayor would serve as the voice of the local area council, but I would presume that there would be a flow, staff to staff, of minutes of meetings, committee meetings from Metro to Etobicoke, Toronto, Scarborough -- whatever, that there would be some form of bureaucratic interfacing. Is that sort of left up to chance or is there some suggestion that minutes must be provided to the area municipalities, that kind of thing?

Mr. Lesurf: Well, I think at the moment that is up to the area municipalities and Metro to work out how they want to handle that particular flow of information.

I know in, say, the Region of Niagara, there is a system of direct election there and some of the members that serve directly on Regional Council go and give an update of regional issues to the areas municipalities once a month or whatever so one would anticipate that kind of communication strategy being worked out.

Mr. Mahoney: I am interested in the statement that this Bill could be a source of conflict for the communication to take place because in reality the source of conflict is why we are here.

The conflict seems to, Madam Chairman, consistently take place where the upper tier of municipal government is unable to act or make a decision because the lower tier is always referring the matter back to the area municipality. And if they happen to be fairly influential on Metro Council or control a block of votes, it becomes simply impossible for the upper tier government to act under the present situation.

So I think quite the contrary would be the case that by only having six members that are elected back home, so to speak, where they would have to worry about how their electorate see them back home, the majority of members would then be clear to deal with the matter in a regional sense, and I think it would do quite the opposite of what Don's concerns were.

Those are my questions at this time.

Madam Chairman: Thank you, Mr. Mahoney. Mrs. Marland?

Mrs. Marland: Thank you, Madam Chairman. I, too, would like to request that we do have a hard copy by tomorrow morning because that is the whole story illustrated.

May I also request a copy of the task force report because I did not receive one and I do not know if they were circulated as part of our package, but I do not think they were.

I am not really understanding why Bill 29, after it was drafted, was not returned for comment to those people that had taken part at least in the task force.

Madam Chairman: I do not know how you were missed on that but they were circulated.

Mrs. Marland: Thank you. Well --

Mr. Sands: Madam Chairman, I wondered if it would be all right for some of the questions that perhaps are a little more speaking to the involvement of the Minister's office. I am wondering if it would be all right for me to answer that question.

Mrs. Marland: Could you introduce yourself.

Mr. Sands: The Minister, the Parliamentary Assistant and the Deputy are all in Sarnia Lambton this morning and I have been asked by the Minister just to here.

Gary Sands, the Minister's Executive Assistant.

Speaking to the answer to that question why the Bill was not sent back for comment, I guess really the answer to that from our perspective was to look back at the history of the Bill and the consultation involved in this issue, which is, you maybe referred to while I was briefly out of the room, dates back to 1965 with the Goldenberg Report, Robarts Report 1976, the task force report here, which involves representatives of all six area municipalities and was sent out.

So they were involved in that, and then we asked them for their comments on the Bill. This is the Ministry. Really, the Bill that is before you is basically what is in this task force report, and this book of options has already been before the council and we have had comments from all municipalities.

In addition, before the Minister made his announcement in the House, he met with all the mayors, including the Chairman, and asked them for their comments. All of the mayors were supportive. The only exception was Mr. Lastman

who did not like it unless we had an option where the Chairman was elected across Metro.

And the other exception was Mayor Sinclair who added that he did not represent the views of his council because the Etobicoke council is in favour of the Bill.

So I guess what I am trying to say is that Bill 29 is really what is in here and they were part of that process and involved in it extensively. So really it would have been an duplication of what had already occurred to send the Bill out again for discussion.

Also as well, we contacted the municipalities and asked them, "Look, can you implement this in time for the 1988 election?" The answer that we were giving back was, and again it was stated publicly on November 3rd by the City of Toronto Deputy Clerk, was, "If you make your announcement, not necessarily the legislation, but if you make the announcement soon, we will be able to implement this in time for the '88 Election." We made the announcement the next day.

Mr. Marland: Well, I have not had the benefit of reading the task force report. So what you are saying is Bill 29 - now that I have the report I will read it - but what you are saying then is Bill 29 directly represents a consensus opinion of the task force?

Mr. Sands: Yes.

Mrs. Marland: Okay. You mentioned that the boundary changes after 1988 will be established through the OMB. How do you see that process happening? Who do you see making the requests and exactly how do you see it following?

Mr. Sands: I think Mike can speak better to the technical aspects of the legislation, but just for the '88 elections, before Mike answers that question, I just want to reiterate that the views of all the municipalities we had was that as long as the announcement was made soon, the ward changes could be accomplished for the '88 election. I just want to stress that point before we go into the process for the elections following '88 because I think it is very important.

Mrs. Marland: Mr. Sand, are they identified now; is that what you are saying?

Mr. Sands: The ward?

Mrs. Marland: The boundaries are not identified yet.

Mr. Sands: I understand that they are. The one area that I am aware of where there is a problem is in the City

of Toronto, and that is obviously for the Committee to consider whether it is a political problem or a problem in the logistics.

Our view obviously is that it is a political problem, that there was no problem at the staff level. There seemed to be some concern amongst the City of Toronto politicians about how it was going to affect redistribution of their own certain polls in the wards and then we started to have a lot of problems.

Mrs. Marland: And were all those boundary proposals drafted by the Ministry?

Mr. Sands: No; by the municipality.

Mrs. Marland: By each municipality within the Metro area?

Mr. Sands: Each municipality did their own options. Maybe Mike can answer questions on the procedure for after '88.

Mr. Lesurf: For after '88, a ratepayer or a council or whatever could take a proposed ward boundary change through the OMB, as they currently can. It is just a matter of council saying that -- and I believe any ratepayer can implement a request for a change to the OMB and the OMB goes through the notice period, et cetera.

Mr. Chipman: Madam Chairman, the current procedure in the Municipal Act is that a municipal council or I believe it is 75 ratepayers may initiate an amendment towards boundaries. That provision would remain in effect for post-1988 changes to the structures of the metropolitan wards and the area wards.

However, there are provisions in the legislation dealing with that to ensure that, for example, if an application is made to change the Metro councillor wards, the area councillor wards must also be altered because the area wards must be either coterminous with or fit within the Metro wards. There cannot be two completely separate systems within each municipality.

So there are certain restrictions on what the Board may do, but simply put after the 1988 elections should a municipal counselor or any group of ratepayers wish to change the ward structure, they would make an application to the OMB, which would hear that application essentially in the normal manner.

Mrs. Marland: I think perhaps the aspect that interests me most in the actual detail of the Bill is the fact that the Metro Chairmen would retain their seat on council. And

that is the one area that I am really anxious to know if the public at large really knew that, you would have to question how anyone could agree to that.

And the reason I say that is based on seven years as a regional and city counselor in Mississauga and the Region of Peel and watching a full-time regional chairman in Peel and certainly being well aware of what a full-time regional chairman in Metropolitan Toronto, which is what we are dealing with before us today, has to do, and I wonder what kind of representation that ward could possibly have if their councillor became the regional chairman?

Mr. Lesurf: I think there is a couple of aspects there. One of the options was to have the chairman elected at large, but at the same time by utilizing this proposal you increase accountability to the council itself because they must choose their Chairman. By ensuring that that person must retain an elected seat, then that person must run every three years as any other elected person at the local level. So then you also have accountability to the public.

And in terms of whether or not the public really understands that, there were a number of submissions - or at least a couple of submissions anyhow - to the Ministry that directly related to that particular point and indicated, 'Well for a true democracy it would have been nice to have a chairman run at large.' We recognize the practical limitations of having somebody run in a constituency of 2.2 million people.

So this appeared to be the tradeoff that ratepayer groups, et cetera, were willing to make.

Mr. Sands: Perhaps if I could just add one point to that. I think with any option with the Chairman there are pros and cons to each option obviously.

The present system is that the Chairman is appointed and has no seat. Then there is the option of having a chairman with a locally-elected seat and then, of course, there is the option of having a chairman elected at large which was ruled out -- the policy decision was to rule that out because we felt the cost would be prohibitive.

But you could make an analogy really between a cabinet minister and the Premier. I mean, cabinet ministers and the Premier all hold local seats as an MPP, but I have never heard the suggestion that they cannot service the riding.

The same with the Prime Minister; it is the same issue. All we are saying is that the chairman must hold a locally-elected seat, that he must be elected.

The only person really politically that we heard

strongly speak in favour of running across Metro as Mel Lastman.

Mrs. Marland: Well, of course, at one time municipal representatives all ran at large across their municipalities, and the fact that we have moved to area representation is a great improvement on that.

Mr. Sands: Yes.

Mr. Mahoney: When you say one of the options was for the regional chairman to run at large, you do not mention that one of the options is election of a non-elected person by the members of council, which is what we have in the Region of Peel.

Mr. Sands: Yes.

Mrs. Marland: And frankly, the accountability of that regional chairman who is elected by his colleagues on Council is a far, far closer scrutiny than the public at large could give that individual if that individual ran at large for regional chairman.

Mr. Sands: I recognize the point, but I guess I would still come back to my earlier point about would the same argument be made for a minister or a premier that they should not hold a locally elected seat as a member or should they just be an appointed person?

Mr. Lesurf: I just want to add as well that under the status quo, the Chairman of Metro does not have to hold an elected seat. The Chairman can be any person, and the Chairman is elected by Metro Council. We think that we are getting the best of both worlds.

We are requiring the Chairman to be elected by Metro Council but also must retain a locally elected seat. So you do have this accountability to the Council but you also have accountability to the public.

Mrs. Marland: Have you gone further into addressing their position vis-a-vis their salaries? Do they drop their salary as councillor and replace it with the Chairman's salary?

Mr. Lesurf: That is a political decision made by the locally elected representatives, and if the general public thinks that the decisions that politicians make regarding their salaries are the wrong ones, the assumption is that through the democratic process those politicians will not get elected next time around.

Mrs. Marland: Now, I do not understand the answer. What I am asking is, Is there going to be a salary for the

Metro Chairman?

Mr. Sands: Yes, there would be, but I think what Mike is trying to say is that that decision is not going to be for the Minister to make; it is going to be for Metro to make.

There have been some recommendations they are looking at now which have been floated, but again that is a decision that they have got to make and be accountable for.

Mrs. Marland: Okay. Now, you make a very interesting comparison when you compare a regional government chairman to a premier, a prime minister or a minister of the cabinet, at either level, provincial or federal government, because I would respectfully suggest that the PMO's office or the Premier's office or a minister's office probably has anywhere upwards from 40 staff, are we saying that this person can do their job with the same number of staff that the present Metro Chairman has? Has that aspect been looked it?

Mr. Sands: The present Metro Chairman has more staff in his office than my Minister has in his.

Mrs. Marland: Well, that is not a satisfactory answer.

Mr. Sands: Then I guess the number of staff that the Chairman would have in his office would really be the same question as that of salary. That would have to be a local decision. I mean, one that would be made by Metro Council. It probably would have to be one that the Metro Chairman would have to justify to the local council.

But really to follow your reasoning in all seriousness, the Metro Chairman does presently have a larger staff than most of the Ministers in the Cabinet at the present time. I know that because I used to work at Metro.

Mrs. Marland: Okay. My final question I guess to you, Mr. Sands, with the fact that we are dealing with Bill 29 at this point with the Committee and these revisions as it pertains to this regional government, is there a direction for changes in other regional government subsequent to this Bill?

Mr. Sand: That is a matter that is different in each municipality. At the present time, there are three regional reviews being conducted by our Ministry: Ottawa-Carleton, Niagara and Haldimand-Norfolk.

And the answers to that question would have to stem from the review. That is, we cannot treat all the regions on that question the same because they were all going to have different reviews. The Minister's position is that he wants

to, before answering that question because he has been asked before, is to wait and see what the regional reviews say.

So at the present time there is really no indication that that is going to happen.

Mrs. Marland: Are they all under regional review or just the ones --

Mr. Sands: Just those three that I mentioned. There have been requests from other municipalities for regional reviews, and within some of those municipalities there are divisions within the municipality as to whether they should have a review or not. But the Minister's position has been that he is going to wait until those three reviews are completed before he will undertake any further because the costs are also prohibitive. It is in the range of \$4- to \$500,000 a review.

Mrs. Marland: Thank you.

Madam Chairman: Ms. Bryden.

Ms. Bryden: Thank you, Madam Chairperson. I welcome the opportunity to ask questions, but I am still very nonplussed by the fact that there is nothing before us at all about what is going to happen with regard to the school boards, nothing in the legislation, nothing in the briefing even though school board boundaries and elections are really run jointly with municipal elections, and therefore it is very important that the boundaries have some relationship to each other. In fact, it may be almost essential that they be somewhat identical.

So that is my first question. Why is there nothing in the legislation about the school boards, and what sort of consultation has there been with them?

Mr. Lesurf: I guess my basic response is it is the Ministry of Education's responsibility to deal with the school boards, but we have consulted with the Ministry of Education who are dealing with school boards. We have also, in terms of local wards, requested that the area municipalities when they are drawing their local wards, consult with the school boards and consult with the public prior to finalizing and them. And certainly it is our intention to find out what kind of consultation process has occurred prior to finalizing an Order in Council.

We do not anticipate at this particular time any problems. We think the consultations are occurring, and in many of the area municipalities it should a rather simple task.

Ms. Bryden: Well, are you aware whether the school

boards are proceeding on developing boundaries that are very similar to the municipal wards or are they developing their own set of wards?

Mr. Lesurf: Well, my assumption is that they are working with the area municipality in coming up with boundaries or local wards that will be satisfactory to both.

Ms. Bryden: Do you know if they have had any public meetings?

Mr. Lesurf: Well, I know the City of Toronto has held public meetings. The City of North York has held --

Ms. Bryden: This is on municipal wards?

Mr. Lesurf: That is for wards. The City of Toronto staff, I have talked to them, they have consulted with the Board of Education staff for the City of Toronto and as I understand it, they are working out a ward proposal that is suitable for each.

For instance, in the City of Toronto at their public meeting I understand that they proposed either four or eight options to the public, and there was one map called 'Map A' that would divide the City of Toronto into eight wards, and I think that one was accepted by most of people that attended the public hearings and the City of Toronto committee is going to recommend that. It is our information anyhow that the Board of Education could live with that particular proposal although it might not --

Ms. Bryden: As far as you know, the Board of Education has not had a public meeting and submitted proposed maps; is that correct? I have not certainly heard of that if they have.

Mr. Lesurf: I think usually the ward boundaries are drawn up by the Clerks of the municipalities for consideration by all those who have got an interest in them. So at the staff level, they have come up with the suggestions along with whatever input that they have had from the politicians or the trustees and have put some proposals forward, and those proposals are now being considered by the public, by the school board, and by the local municipality.

Ms. Bryden: But nothing has been submitted to the Minister yet?

Mr. Lesurf: No, no. Our deadline currently under Bill 29 is 60 days after the legislation has passed, but I think we would be introducing an amendment to change that to 30 days because of the extended period that we have given the area municipalities.

Ms. Bryden: Well, I think the school boards are not carrying out public meetings yet - they may be planning them in the future - so that the public is still really completely in the dark as to what the school board boundaries will be for the City of Toronto and probably other local municipalities or they will be aware of the municipal proposals, but there is nothing on the school boards, and I do not really see how we as a committee can deal entirely with the proposals for the municipal setup without having some idea of whether the school boards are, in fact, going to follow the municipal boundaries. Because I understand the Education Act I think delegates, makes clear, that the election of trustees is to be conducted not by the school boards but by the election machinery in the municipality; is that not correct?

Mr. Lesurf: Yes. The local Clerk usually conducts the election and is the Chief Election Officer for both. It is the Clerk that is responsible for establishing polling stations, for getting the ballots done up, et cetera, and arranging for staff to be present for counting, et cetera, yes.

Ms. Bryden: It might be very difficult for them if there was a different set of ward boundaries for the school boards in the municipality. Has that been considered?

Mr. Lesurf: Would it be difficult?

Ms. Bryden: Well, he would have to be running the different wards and --

Mr. Lesurf: We have not heard anything from the Clerks yet in terms of major difficulties with this exercise.

Ms. Bryden: Well, would it be possible before this Committee finishes its week's hearings to get more information on what the school boards are contemplating to this Committee? For instance, I am particularly interested in whether they are contemplating allowing the principle of trustees being elected at large. That is, if there is going to be more than one trustee in any given Metro ward, and if there is going to be more than one area ward within one Metro ward, will they allow more wards than the City of Toronto has, at least than the municipal has?

Is there any discussion on the size of each school board and also whether people can be elected at large or whether they must follow population guidelines? This is the sort of thing that I think we have to know.

And then secondly, as we all know there is a two-tier system of government at the school board level -- the Metro school board and the local school boards similar, of course,

to Metro Council and the area boards except that it is not the same system.

Are they planning to revamp that two-tier system and have some sort of more direct election. The Metro school board now is indirect election from the school boards in the city.

So those are the questions that I think we need an answer to.

The second big gap in what we have before us, of course, is we still do not know the Minister's plans for bringing in legislation regarding election financing and whether there would be a ceiling on election expenditures and require a disclosure of election spending and a limit on contributions.

Of course we do know the Minister has made an announcement that he is planning to bring in legislation of this sort, but until the legislation is actually brought in, we really do not know the picture on this and it does affect very much the whole question of our municipal government. Is there any possibility that the Minister will be bringing that in when the House meets again?

Mr. Sand: The answer to that question is that the legislation can be released very shortly. I do not think I have actually seen, in our office, I have seen the final legislation myself either, but the legislation is going to be modeled on exactly what the Minister has said.

He spelled out very clearly in the House in the statement what the limits would be, how the procedures would work. There will be no substantial difference in what will be in the legislation as opposed to what the Minister's announcement was.

It is the same thing actually with what happened with this Bill. The Minister made this announcement I believe on November 4 in the House. The legislation mirrors what the Minister said in the House. The same thing will happen, and that was to give people an opportunity to know what was going to happen.

The same thing happened with the election financing, which we agree with you is very important and is an important aspect of this question, too; it is related. But the Minister spelled out very clearly, very detailed, in his statement what was going to happen, and there will be no difference in the legislation.

Ms. Bryden: Well, I do not know what happened between November 4th and November 23rd on the Bill 29 legislation, but by now I would think the Minister should have had time

to get his Bill ready and I would hope that it will be introduced in the House on February the 8th or shortly after so that we can have that picture before us when we are considering Bill 29.

My final question is, Is there any desire to limit the number of members on the local councils? It seems to me at present you can have a minimum in Toronto of 8 if you have one for each Metro ward, or you could have 16 if you wanted two for each ward.

But I understand from the materials sent out by the City Clerk that the legislation and the Minister are allowing anywhere from one, two, three, four or more. There is no limit on how many individual wards you can have within the Metro wards that are allowed. Is that true? Is that the legislation's intent?

Mr. Lesurf: Well, our legislation basically introduced a concept of flexibility just so that whatever needs the school board might have could be accommodated. In addition, you have got the question, Should it be the Minister that dictates the size of the City of Toronto or should it be the City of Toronto? And the feeling was that that should be a decision that is left to the local elected representatives.

Ms. Bryden: So that you could contemplate 24 members in --

Mr. Lesurf: In the City of Toronto, yes.

Ms. Bryden: That is three times the eight --

Mr. Lesurf: At the local level, that is correct.

Ms. Bryden: Would you contemplate a different number of area wards within different metropolitan wards? That is, one could have one and another one could have three?

Mr. Lesurf: Yes.

Ms. Bryden: Would that not require then that the size of the Metro wards would have to be expended if you were going to relate fairly closely to population, that they would have to be unequal?

Mr. Lesurf: Yes. One of the reasons that we had to accommodate that was basically we had to allow the municipalities an option of retaining the status quo. For instance, in Scarborough you have got 14 local wards and 6 Metro representatives so they are going to have 6 Metro wards, and I think that is the way they are going to go.

But they might, as an option, want to group the existing 14 local wards into the 6 Metro wards. So it could be that

one of the Metro wards is composed of 2 local wards and another one is composed of 3 local wards.

At the same time, however, they might have to provide in the Metro ward something like growth for the future. Currently I think it is ward number 14 in Scarborough is in the northeast quadrant of Scarborough. That is a growth area. So their thinking is that ward might only have 60,000 people right now and would form a nice Metro ward, but five years from now it is going to grow by 8,000 people or the next three years because according to their official plan, that is where all the growth is.

So we did provide some flexibility to allow the clerks and the school boards to work out the best solution, given their knowledge of the local growth patterns, local physical barriers - like, the 401 can serve as a barrier - the size of the wards geographically versus the density of the ward, et cetera. So we provided flexibility for those reasons.

Mr. Sand: I guess one other point with that though is the issue of the large or the possibility of larger councils has to to be put into context. First of all, the Minister through this Bill, has reduced the size of the councils by the elimination of the Board of Control. That is first.

And the second point is that it is similar to the issue of the salaries that really -- on these kind of questions, the Minister cannot always be playing big brother. There has to be some autonomy, some flexibility for the municipality to make those decisions themselves.

This is what they have been asking for, is the ability to make those decisions. If they make a decision to pay themselves a \$100,000 a year - and that is not a figure picked out of the air; that is one of the figures suggested by one of the people, one of the mayors, in fact - or if they decide to enlarge their councils to two dozens, 24, 25 members, I guess that is the decision that they are going to have to be accountable for and be able to explain in this November's municipal elections.

Ms. Bryden: Well, I can understand the need for some flexibility to allow for future growth or retaining communities within the same ward, but you say preserve the status quo as much as possible.

Since a lot of the wards may have grown up in the past like Topsy, without any particular planning, is there not an invitation when you allow one, two, three, four or five area wards within a Metro area for the politicians, the incumbents, there to draw the lines in order to keep their own seats in tact.

And is this not what we try to avoid when we appoint

electoral commissions at the provincial and federal level so that it is not the incumbents that decide where the boundaries should go, but it is sort of an independent body.

And this is, of course, unfortunate that this legislation took so long in the planning, that we never had time to set up an independent electoral commission to determine the boundaries. I think that is very unfortunate and I think it should be put in for the next election rather than the OMB appeals.

But that being by-the-by, it seems to me that there should be a limitation on the amount of variation that can be allowed within a municipality for the number of local wards. It seems very unrepresentative to have three aldermen from one ward and one from another or two from another. When you get three votes, one ward gets three votes, it may have a bit more population and another one gets two and maybe another one only gets one. That does not seem like democracy and I think it is going to distort 'rep by pop'.

Mr. Lesurf: Just if I can clarify though, if we use Scarborough as an example, if they go with six Metro wards, which is their proposal, each ward would elect one Metro representative. So we have achieved overall for Scarborough 'rep by pop' relative to the other municipalities.

Scarborough currently has got 14 local wards. Each of those wards will be responsible for electing a single local councillor. It is just that they have grouped three of the local wards to form one Metro ward, and they are trying to do that within our 1 in 75,000 population guideline plus or minus 25 per cent I think is the recommendation in the task force report in order that they do not disrupt what they have got in terms of their local council but achieve what we are after in terms of Metro.

Ms. Bryden: Well --

Mr. Lesurf: So that is why we have provided that kind of flexibility.

Mr. Sands: I think the point with the commission is a valid one; I can understand the reason behind it. But I have also here at the provincial and I have seen at the federal level, even when you have that commission, when you involve redistribution of politician's ridings or wards or whatever it is, you are going to have the same fuss and the same controversy and the same kind of comments made no matter what, even if it is the commission that does it.

The municipalities knew that this has been coming. This was signalled to them last year -- no, sorry, the year before in '86 - this was coming. They dragged their feet on

it, and they have known that it is coming. Even with the process at the City of Toronto, there was a fair, reasonable proposal, a workable solution that was made but the politicians ended up getting involved in it. And I am quoting here from one of the councillors who said, "They are determined to carve up the city so they are assured of re-election."

So I understand the point you are making but I wonder if the commission is not being thrown out as a boogeyman by some of the people in the City of Toronto as a means of stalling this until 1991, and even when the commission could come out with the same proposals as the city planners, as the city departments have made, you will still have the same comments made.

And it happened provincially. Mrs. Bryden, you know it did, that when we had an independent commission do it, we had the same sort of rigamortale.

Ms. Bryden: Well, we had very little actual charges of gerrymandering and they were appeals and so on and opportunities, but there are not in this case, depending on what the Minister selects.

Mr. Sand: Yes. But this is the thing in the City of Toronto. If you look at the proposals that have been made by the City Clerk, there are workable. They could work. It was only when the politicians later on started looking at it and saying, "My goodness, this is taking up this section of my ward, which is a strong return." You know, that is when the problem started.

I guess my question back would be, Would you get those kind of comments even after a commission made substantially the same recommendations?

Ms. Bryden: Well, you could reduce the amount of flexibility by amending the Act and cutting down the variation that there could be between the different Metro wards and the number of representatives. That is something I think we should look at what we are in Committee, clause-by-clause.

Mr. Lesurf: If I just might add in the case of City of Toronto, they have held their public meetings, and the proposal that was supported by most of the people that attended the public meetings is one where I think they would have local wards?

Ms. Kipp: 16 local wards and 8 Metro wards.

Mr. Lesurf: And the Metro. And as we understand it, the Committee that is looking after proposing the final proposals to the City of Toronto Council is now supporting

that proposition. And we did take a look at the maps and we thought it was a very good proposition, so we tend to have a great deal of faith in the end in the process.

Ms. Bryden: Well, we do not know what the City of Toronto's vote is on it yet, of course.

Thank you, Madam Chairman.

Madam Chairman: Thank you. Mr. Faubert.

Mr. Faubert: Thank you, Madam Chairman. Just by way of observation, I am really sorry the member from Markham is not here. And I know it is bad form to comment on the absence or attendance of certain members of the Committee but I did believe that the member from Mississauga South asked some very pertinent questions and I wish he had been here to hear the responses; it probably would have saved us a lot of debating time sometime in the future.

One of the questions I would like to ask the Ministry and a suggestion in one sense is that I wish the history would have gone farther back than just this report itself because actually if we looked at it from the Cummings Report, the Goldenberg Report and the Robarts Report, all these recommendations that are contained within this really are summations of all the recommendations that have ever been made about the government of Metropolitan Toronto. I would just like to hear the comment on that.

It appears that when we make the presentation that the process started in '86, and we know it started long before that, and I would just like the observations on that.

And second, I think it was addressed by the Minister's staff earlier in that all the recommendations and the consensus that came from this and the debate at the various area municipalities are compiled in the legislation as it stands now; is that correct? Perhaps I could ask them to comment on that.

Mr. Sands: Yes. That is one of the things that we have been disappointed at is that the history of this issue perhaps has not gone far back enough in some people's minds. It certainly did not begin with the '86, and it was unfortunate that there were so many reports and so many people looking at this issue prior to or in prior years, and unfortunately for some reason just nothing happened.

And at the time in 1986 when this government established this task force, we had already stated quite clearly in 1985 that changes would be made to the system of Metropolitan Toronto government, and, as you pointed out, the legislation basically is a compilation of what has been obtained through this task force, through the Robarts, through the

Goldenberg. The thrust of it, really, is no surprise.

Mr. Faubert: Exactly. So my next question - you should guess my next question on that basis - is that there are no surprises?

Mr. Sands: No.

Mr. Faubert: Indeed in this or the legislation?

Mr. Sands: There is nothing that we proposed in the legislation that is not covered in here.

Mr. Faubert: And the legislation itself meets the two major criticisms of metropolitan government and that was the non-election of the Chairman?

Mr. Sands: Yes.

Mr. Faubert: And non-fulltime council?

Mr. Sands: Yes.

Mr. Faubert: In other words that the council that was -- the way in which members get to the metropolitan council and the fact that they were not full-time?

Mr. Sand: Yes. Those are exactly from the task force, and some of the closing comments that were made by the task force report, which I add had representatives from all of the municipalities, stated that it was certainly the time for a change, and that to be effective, the government institutions have to change.

And we just looked at the issue when we came into office and it has a budget of over \$2 billion, represents over a million people, and we just had difficulty politically with understanding why anyone would disagree with having councillors look after those kind of interests on a full-time basis rather than on the basis it is being done now, which is part-time.

Mr. Faubert: Let me clarify just one last point. This keeps coming back. I keep hearing it in a variety of forms and that was the allegations or the suggestion that somehow there was earlier legislation and it could have come forward at an earlier date than it has come forward.

Is there some misinterpretation as to what was stated between members and ministers sometime around May of last year? And indeed, is this legislation -- this is the final draft then?

Mr. Sands: Yes.

Mr. Faubert: There may have been an initial --

Mr. Lesurf: There was not an initial draft at that stage that I know of.

Mr. Faubert: So there never was.

Mr. Lesurf: That legislation did not get drafted until Cabinet had approved the policy, which was in the fall.

Mr. Sands: The Minister began reviewing it shortly after becoming the Minister -- the issue. On that basis he took it to Cabinet. Cabinet approved it. The Minister made the announcement in the House I believe that day that the legislation was approved by Cabinet.

It is simply impossible to have the legislation ready until Cabinet has approved it because no one could say for sure what form the legislation will take because Cabinet has to be the one that decides if they are going to endorse or make changes. And as soon as the legislation was ready, it was made available. It simply was not a matter of trying to hide anything. The legislation was not ready.

Mr. Faubert: Around May of last year of '87 though, it was probably forming a consensus about that time?

Mr. Sands: Yes.

Mr. Faubert: Because that was the end of the consultation process with the Municipality of Metropolitan Toronto; is that correct?

Mr. Sands: Yes.

Mr. Faubert: So it may have been referring to a consensus that had been reached about the direction of the legislation without the legislation being drafted?

Mr. Sands: I believe that the previous Minister also when he had released the report in '86 asked the municipalities to submit their comments to him no later than the end of March, '87, and that legislation, they would try to introduce legislation based on what the task force had said by the spring or late -- early summer and, you know, events overtook that.

But as I say, publicly it has been flagged to the municipalities quite clearly that these changes would be made and they would be based on this report.

Mr. Faubert: Okay. Thank you.

Thank you, Madam Chairman.

Madam Chairman: Thank you. Mr. Mahoney.

Mr. Mahoney: Just a couple of points for clarification, Madam Chairman.

Mrs. Bryden mentioned the issue of school boards and I did not quite understand some of the points and wonder if I could just ask, It is my understanding that school board trustees run within the boundaries that are drawn by the municipality, the area municipality, that they do not set their own boundaries; is that not correct?

Mr. Lesurf: That is correct.

Mr. Mahoney: That is correct. Now, they would normally have an opportunity for input with the area municipality, but it would clearly be at the option of Council as to whether or not they wished to take into account the school board's concerns. Is that correct, as well?

Mr. Lesurf: That would be correct. The Minister has asked for that consultation to occur.

Mr. Mahoney: Okay. But there is no fear then of the Peel Board of Education or in this case the Toronto Board of Education setting boundaries within which they wish to have their own representatives run that would be different from either the Metropolitan Toronto boundaries or the area municipal boundaries, or is that fear possible? I mean, is that possible?

Ms. Kipp: No, it is not. I think Bill 76 is pretty specific on that. That is an Act to amend the Education Act. And I had just been glancing through it, but basically to paraphrase, the area wards are supposed to be the building blocks, and school boards might use one as one of their wards or combine two as the Metro separate school board does now to create a ward for education purposes.

Mr. Mahoney: But they cannot create their own?

Ms. Kipp: No. They have to use those building blocks. But right now it is up in the air because the Ministry of Education is consulting with the school boards in the City of Toronto to get their views on how they are going to work around Bill 76, and I think the deadline is around now. I do not know if they have had a response or not.

Mr. Mahoney: I guess what I am trying to do is understand how the school boards could impact Bill 29, which is what we are here to deal with, and I just do not see how they, aside from the fact that they may have to run within newly created boundaries -- they would run in the new Metro boundaries, I take it?

Ms. Kipp: No, the local ward boundaries.

Mr. Mahoney: The area municipality boundaries. So there would be no change so they really have no impact. They cannot change boundaries and they must simply --

Ms. Kipp: Work within the system.

Mr. Mahoney: The Clerk will run the election and put the number of trustees that are running in any particular ward. So there is no impact from the Board of Education's point of view on this --

Mr. Lesurf: Well, if I just might add, when we were drafting the legislation and the policies, we recognized that say in the City of Toronto that there were currently 11 local wards that served both the City school board as well as the City of Toronto Council, and we were asking for the creation of the eight Metro wards for Metro Council.

It was a possibility that the City of Toronto might come up with two local wards per Metro wards, so they would end up with 16 local wards rather than 11, in which case we wanted them to consult with the school board to make sure that both would agree in a case like that that maybe the council size as well as the Board of Education size could be decreased.

Mr. Mahoney: But we are simply encouraging that?

Mr. Lesurf: That is right.

Mr. Mahoney: That is not a requirement.

Mr. Lesurf: That is right, but whatever ward system was developed, we wanted a consensus to come about.

Mr. Mahoney: Consensus would obviously be the healthiest, but the authority lies under the Municipal Act, I presume, with the municipal council to make the ultimate determination of what the ward boundaries will be, and trustees would then run within those boundaries?

Ms. Kipp: Not exactly like that. Basically right now, the OMB, the municipalities, would go to the OMB to change their local ward boundaries. So within that context, it is up to the local municipalities, ratepayers and the boards of education to go there.

Mr. Mahoney: The school board could appeal at the municipal board?

Ms. Kidd: Yes. So there is room for --

Mr. Mahoney: I am trying to stay on line of considering

Bill 29. It seems to me that the issue of ward boundaries with regard to school boards is not necessarily relevant to the consideration of Bill 29. It may be an ongoing consultative matter that will have to be worked out between the area municipality and the school board to avoid a challenge at the OMB, hopefully.

Ms. Kidd: You have thrown in a number of variables there. Basically, Bill 29 allows the local municipalities to come forward just for this one period of time with new local wards that could be passed by order in council. That is one issue. That was why the municipalities were asked to consult with the school boards.

But on a separate issue, even if nothing was being done to Metro and there was no Bill 29, the school boards are still going through a process of adapting through Bill 76 to representation by population, and they would still be looking at how they would use the existing local at wards but revising the way they elect their trustees.

So there is that issue that Bill 29, it looks like they are conflicting but that problem would be there anyway.

Mr. Mahoney: I guess what I am trying to understand, Mrs. Bryden raised a point that you could conceivably, if I understand her correctly, have a situation where you would have a Metro ward. Within that Metro ward, you could have two or three municipal wards, and then you could conceivably have school board boundaries that would be different than either of those.

I do not see how that could happen, but that --

Ms. Kidd: No, I do not see how that could happen either.

Mr. Mahoney: That is what I want to be clear on, that the school board ultimately, with whatever appeal process is in place in due law, the school board ultimately, the trustees would run in Ward 2 of North York or whatever it happened to be, the area municipality. As we have nine wards in my city in Mississauga, there are nine councillors elected and there would be some aggregate of 9 trustees. They might appoint two per ward, but they cannot go changing the ward boundaries.

Mr. Lesurf: No, but what could happen is that say at the local level you could have Ward 1 and Ward 2 combined so that there are three school board trustees elected from those two wards.

Mr. Mahoney: Those two wards. They could do that or they could have elected from those two wards presumably?

Mr. Lesurf: That is right. Okay. But in terms of changing the ward boundaries, no they cannot change them.

Mr. Mahoney: Okay. The only other comment I would like to make is that we in our community have had some experience with electoral commissions. They have currently realigned the federal boundaries to include part of Brampton with Mississauga, much to the chagrin of our Mayor in Council and many of the people in the Malton community who are now part of Mississauga, Brampton -- I think they call it, and at one time, the electoral commission tried to include Oakville with parts of Ward 2 that Mrs. Marland represented as an area municipal councillor.

And there just seems to be a lack of being in touch, a lack of reality with electoral commissions to what is going on in the local community, and I think if anyone should know their local community, it should be that local council, presumably with a report from staff and consultation and dialogue with the ratepayers and everyone else to establish those boundaries, because unless you know that the QEW, for example, may represent a pretty major municipal boundary within our city or the Credit River may represent a major boundary. Those are things that an electoral commission would not necessarily know, that only the people who have that local touch and that local feeling would know.

So I think we would be really opening a can of worms if we set up an electoral commission. As much as it seems like a simple solution and a way to kind of protect ourselves or for Metro to protect themselves from making those decisions, you would wind up with just hearing after hearing after hearing. We would see that commission spending days and weeks with arguments like we had this morning for an hour and a half about whether or not they have gone through a consultative process to set those boundaries.

So I personally, having had that rather negative experience with electoral commissions, would think that the area municipalities, notwithstanding the accusations of gerrymandering and not withstanding the accusations of protecting ones own political boundaries, they are the people who ultimately should be answerable to the public.

Mr. Lesurf: Could I just add to that as well, Madam Chairman. When we looked at what was out there initially, it did not look that bad. So that if you take North York, for instance, North York is going to get seven Metro representatives.

Mr. Mahoney: That tourist haven, North York?

Mr. Lesurf: They currently have 14 local wards. Each local ward has approximately 'rep by pop' balanced. It seemed to us to be a relatively simple task just to group

two local wards to create a Metro ward. So they are going to retain the status quo locally for both local council purposes as well as school board purposes, but use the local wards as building blocks to create the Metro wards.

And that, in fact, is what has occurred in North York and what their options are, are basically, Do we group local Ward 1 and 3 or do we group local Ward 1 and 2 to create the Metro ward?

In the case of East York, they were entitled to one rep so it was assumed at the beginning they would have one ward for Metro, being all of East York, and most of the municipalities were like that but we did seem problems potentially with the City of Toronto and therefore wanted to provide some flexibility.

We did consult with staff at City of Toronto prior to the introduction of the legislation to find out whether or not they felt that they could deal the situation - like, What was the best route to go in dealing with the wards, et cetera? - and they assured us that if they had 60 days they could come up with the appropriate solutions.

Madam Chairman: Thank you. Mr. Owen.

Mr. Owen: Yes. I still have a little confusion resulting from Mrs. Bryden's question about the school trustees and the members of the councils.

In any "X" municipality, are there not different numbers of school trustees elected as opposed to those elected with what we are dealing with here?

Mr. Lesurf: If I get that question correctly, you could have a different school board size relative to the council size.

Mr. Owen: That is what I am asking, yes.

Mr. Lesurf: That is right. Well, this is why I got back to Mr. Mahoney's question. He said, If you took for purposes of an example a municipality that had just two local wards, Ward 1 and Ward 2, at the local level they might elect one representative from each ward, but for school board purposes they might group them to elect three representatives from the two wards.

And they do that because when you get into -- You see, you have got a public school system, you have got a separate school system. For public school purposes, the electors are those that contribute to the public school system. So it is not 'rep by pop' anymore.

Mr. Owen: But there again sometimes there are different

numbers on the separate school board as opposed to the public school board.

Mr. Lesurf: That is right, but what is --

Mr. Owen: What I was driving at though, if you are looking at the boundaries, if there are different numbers, is it not inevitable that the boundaries will be different to accommodate it?

Ms. Kidd: I think what they do is they round off.

Mr. Owen: Do they?

Ms. Kipp: Yes.

Mr. Owen: And have they not always had a different overlapping of boundaries in these municipalities with regards to trustees and other members?

Mr. Lesurf: Not necessarily. As I indicated earlier, in the City of Toronto currently they have got 11 local wards and for council purposes they elect two people from each ward and for school board purposes, they elect two from each ward.

Mr. Owen: So what you are saying is that we had this situation or scenario before and we will have it again but it will be coped with the same way?

Mr. Lesurf: Right.

Mr. Owen: That is not changing; is that what --

Mr. Lesurf: From our perspective I think that is correct.

Ms. Bryden: Would it be possible for you to analyse which of the six municipalities have a divergence? You said the City of Toronto is the same; that is, the present setup.

Mr. Owen: I think this goes on all over the province, not just here and it certainly it is true up our way.

Ms. Bryden: But we are only dealing with actually six municipalities in this Committee. I thought maybe you could supply it to us tomorrow rather than try to do it now.

Mr. Lesurf: Okay. We can get you something for tomorrow. What you would like is the number of school trustees currently, the number of local aldermen currently, the number of local wards currently?

Ms. Bryden: Yes.

Mr. Lesurf: Sure.

Mr. Owen: I think one of the criticism that I have read is that there is confusion for the voter when he goes to vote as to where he is at and who he is able to support and who is in his territory and who is not.

Ms. Bryden: The number of Metro wards as opposed to --

Mr. Owen: And you are telling us that there -- pardon?

Mr. Mahoney: We are confusing it.

Mr. Owen: We are confusing it; okay. Maybe that is the case.

Fine. If we could have that then that would answer that part of it.

The other criticism that I have heard is that this is going to lead to full-time members and there is not enough for them to do and it is costly, and yet my recollection is that the Metro budget is somewhere between \$2- and \$3 million annually now?

Mr. Lesurf: Correct.

Mr. Owen: Obviously responsibilities have to be there with that kind of an operation, but if the newspapers are correct in reporting poor attendance, is this supposed to correct that difficulty that they have had with attendance?

Mr. Lesurf: Yes. I think one of the problems that has been identified previously was the shortage of time that members at both the local level and the Metro level had to deal with these issues because you have a seat on two different councils.

Mr. Owen: Sort of like being in the Legislature and on a Committee at the same moment.

Mr. Lesurf: That is true.

Mr. Owen: Do you feel this will certainly lose an excuse for not being here?

Mr. Lesurf: I think so.

Mr. Owen: Okay. That is crucial then. Thank you.

Madam Chairman: Thank you. Mr. Farnan?

Mr. Farnan: Yes, this is not a question to the delegation, Madam Chairman; it is more a point of privilege. Basically, Mr. Faubert in his remarks hurt me somewhat by

his comments concerning the member from Mississauga South not being present.

Mr. Faubert: No, she is present.

Mr. Farnan: Pardon?

Mr. Faubert: She is present.

Mr. Farnan: Who was the member you referred to?

Mr. Faubert: Mr. Cousens.

Mr. Farnan: Mr. Counsens. Okay.

Mr. Faubert: Because I said if he listened to Mrs. Marland's question, he would have a lot of answers that he was seeking.

Mr. Farnan: And I think you made the comment noting that it would save us debating time later on.

Well, I am a new member also and I am not familiar with the etiquette of the procedure here, but certainly if a government member of the Committee is making that kind of a comment, I think it is incumbent upon me to point out that government members here make up the vast majority of the members of this Committee, and that when half the government members are not present for large portions of time as happened today for up to over an hour -- in fact, it was so bad at one stage by my count there were four members of the government representatives here with four members of the opposition parties. And when this kind of thing takes place, it sends a very poor message to the citizens of Ontario.

At one time it went through my mind that we might call this delegation back for a rerun for those members who are not present until it was suggested that their presentation would be made available tomorrow morning.

I think the government must be very careful with the message that we give to delegations and certainly this afternoon was a very poor example, and we must realize, I think, that there times when members will be called out. If I want to make the point, if a member is called out -- now, I am not sure if there is much difference between that and Mr. Daigeler spending the afternoon doing his correspondence.

I think it is incumbent upon those who are present to listen and to be present to hear the delegations. I hope that when we have delegations from beyond the Ministry -- I would have thought this was a pivotal presentation, a briefing by the Ministry of Municipal Affairs, and the

government representatives on this committee were in very poor attendance during this presentation.

If the government is going to be perceived as open, that they are listening, and that we are open to amendments to the legislation in front of us, then I think the delegations that are appearing would like all the members to be present.

This afternoon in terms of public perception I think has been a fiasco both from the point of view of getting the message out that we wanted to hear delegations and secondly in the attendance of listening to this present delegation.

And I do not know the procedure is - I suspect it is up to the individual caucuses to see that they are represented - but I would suggest to the Chairman of the Committee that the perception of the work of this Committee will be very poorly perceived by the public, and the work of the Committee judged accordingly unless there is a change of attitude and unless members are present and actually members are listening.

Madam Chairman: Mr. Mahoney?

Mr. Mahoney: Well, I do not want to sit here and debate Mr. Farnan's point all afternoon, but I think those comments are, I guess, a bit of a slap at those of us who did sit attentively through the day. I think the point should be made that there were a number of us that were here all day including the former speaker and just sort of leave it at that.

I think I should point out to the honorable gentleman that I do not believe that Mr. Faubert is a committee member. He is here as a member to make comment to the Committee and not an actual member of the Committee.

There is going to be a lot of debate over the next week on a number of the amendments and I appreciate the fact that Mr. Cousens was good enough to submit his amendments to the Committee, and the members have been given copies of those amendments so that I was able to do a bit of homework over the weekend to determine whether or not I was prepared at face value to support any of those amendments. And I have done that.

With respect, sir, I have not seen any submitted by your party and would appreciate it if they would be submitted so that we on the government side and the conservative caucus members who are members of this committee would have an opportunity to in advance study them to see if indeed there is any merit in our opinion that would enable us to support them.

I feel the committee will be very serious and I must say

to you that berating the Committee -- people tend to judge us by our lowest common denominator, and by berating one member or another of the Committee for either being in attendance or being called out simply serves to downgrade the work of the entire committee, and do not think that that is very positive. I think the Committee will work hard and I know the Chairman will insist on that.

Madam Chairman: We do have another speaker.

Mr. Mahoney: Having spoken, I guess I cannot move recess but I would be happy to do that after your final speaker.

Madam Chairman: Mr. Faubert?

Mr. Faubert: Just one quick comment and I appreciate Mr. Mahoney's comments, too. Indeed, I am not a member of the Committee but I have sat here through the afternoon, and I want that on the record if the member from Cambridge wants to play attendance games.

The only reason I put forward the comment related to the member from Markham is he is the critic or has been the critic of this legislation, and on that basis, I would suggest to him that if he wanted the responses to questions that he not only raised in the House but he raised here earlier in the day, he should be here to hear the responses.

Mr. Mahoney: Point of order.

Mr. Faubert: I think that is a perfectly logical thing. I am not going to get into a long debate on that but I want to just put that forward.

Madam Chairman: Point of order.

Mr. Mahoney: I really find this very distasteful, with due respect to everyone here. Members get called out for other business and that happens to all of us, and if I am going to have to feel I am shackled to this desk and cannot go to the washroom, for goodness' sake for fear that someone is going to criticize me, I think that would be extremely negative on either side of this room.

Mr. Farnan: I do not think that is what we are talking about and you know that, Mr. Mahoney.

Madam Chairman: Mr. Farnan and then Mr. Mahoney.

Mr. Farnan: Well basically, Mr. Mahoney clarified something for me that it was not just a four-four split. If Mr. Faubert was not a voting member of the Committee, the government actually had lost its majority during the afternoon.

In terms of what I am talking about, I am not talking about an individual slipping out for five or ten minutes to make a telephone call.

Secondly, I do accept the fact that members will have to leave, and, of course, if a member of the Conservative caucus or the New Democratic caucus has to leave, we have lost 50 per cent. But when four members at a time are leaving from the Liberal or the government side of this Committee, then indeed you are losing a large number of your committee members.

Mr. Mahoney: Not to mention quality.

Mr. Farnan: I do not doubt that. I do not doubt that all members of the Committee are valuable members. What I am saying to you is this: For one member to be absent or two members, I can accept that as a reasonable number, but when half of the government representatives on the Committee are absent for a large period of time when the delegation is being briefed from the Ministry, I find that questionable.

What I am saying is that we have now coming before us in the next two days members of different councils, members of different groups, individuals, and as a member of this Committee, I do not want the Committee to be perceived as anything less than listening, open, and to give full and due consideration to whatever amendments may come forward.

And indeed in response to the item of amendments, I will be having discussions with my colleague later this evening and it is our intent at the earliest possible time -- of course, you do not give amendments that have not already been structured and completed. We certainly have some amendments that we were looking at presenting to the Committee and of course we will present those in good time and in due course.

The point I made earlier, I think it is important and I think it is important that the Chairman of the Committee give some direction so that --

Madam Chairman: Well, I would like to do that, given the opportunity, sir. And I think at this point it is appropriate to say that there has been some non-productive discussion and that there is no point in continuing with it, and I would suggest to you that perhaps a motion to adjourn would be appropriate until tomorrow.

Mr. Mahoney: So moved.

Madam Chairman: All those in favour? Carried.

The committee adjourned at 4:10 p.m.

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G-5

STANDING COMMITTEE ON GENERAL GOVERNMENT

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

TUESDAY, FEBRUARY 2, 1988

Morning Sitting



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: Stoner, Norah (Durham West L)

VICE-CHAIRMAN: Mahoney, Steven W. (Mississauga West L)

Black, Kenneth H. (Muskoka-Georgian Bay L)

Bryden, Marion (Beaches-Woodbine NDP)

Charlton, Brian A. (Hamilton Mountain NDP)

Daigeler, Hans (Nepean L)

Marland, Margaret (Mississauga South PC)

Matrundola, Gino (Willowdale L)

McLean, Allan K. (Simcoe East PC)

Owen, Bruce (Simcoe Centre L)

Ray, Michael C. (Windsor-Walkerville L)

Substitutions:

Cousens, W. Donald (Markham PC) for Mr. McLean

Farnan, Michael (Cambridge NDP) for Mr. Charlton

LeBourdais, Linda (Etobicoke West L) for Mr. Owen

Polsinelli, Claudio (Yorkview L) for Mr. Ray

Also taking part:

Faubert, Frank (Scarborough-Ellesmere L)

Clerk: Deller, Deborah

Clerk pro tem: Manikel, Tannis

Witnesses:

Individual Presentation:

Bossons, Ila

From the Ministry of Municipal Affairs:

Neumann, David E., Parliamentary Assistant to the Minister of Municipal
Affairs (Brantford L)

From the Board of Trade of Metropolitan Toronto:

Lauber, Michael, Chairman, Ad Hoc Committee on Municipal Structure

Christie, Robert C., Manager, Planning and Urban Affairs Development

From the Labour Council of Metropolitan Toronto:

Sutherland, Ross

From the City of North York:

Sutherland, Paul, Councillor

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON GENERAL GOVERNMENT

Tuesday, February 2nd, 1988

The committee met at 10:14 a.m. in committee room 2.

Madam Chairman: What we have before us today is the matter of the advertising.

I have the wording here which has been circulated to the committee yesterday afternoon and was agreed to.

I would like to, however, make one point, and that is that in fact having talked to the clerk who was the clerk until yesterday, Debbie Deller, the sub-committee was contacted about advertising and decided that in fact they did not need to advertise, and some other lists -- names were added to the list in recommendation for contact, and that is the process that we went through.

But we do have the advertising as was approved by the committee, and the situation is that if in response to this ad we get quite a number of delegations who wish to appear before the committee they will then, of course, be given time, and, if necessary, we will sit Saturday and Sunday in order to make sure that this Bill can reach the legislature next week.

Mr. Cousens: I am sorry --

Madam Chairman: I am sorry. The clerk spoke to myself as Chairman, to Mr. McLean as representative of the Conservative party, to Ms. Bryden and to Bruce Owen who are all the members of the sub-committee.

Ms. Bryden: She has not spoken to me.

Madam Chairman: Ms. Deller did. This was a couple of months ago.

Mr. Owen: It is not clear as to when all of us were polled. We were polled something like seven or eight weeks ago, and we agreed that it was better to go the route of contact everyone we thought --

Mr. Cousens: -- never yesterday.

Mr. Owen: Oh, yes, I did.

Mr. Cousens: No, you did not. I did not realize that everyone else had been polled.

Mr. Cousens: How sweet.

Madam Chairman: There was not a proceeding; there was a polling of the -- no, no, I said that there had not been --

Mr. Owen: Madam Chairperson, I disagree with any suggestion from Mr. Cousens that he is going to be any sort of cover-up here. But if anything--

Madam Chairman: Please, gentlemen. Please.

Mr. Owen: --I would not wish to suggest that there is a cover-up by Mr. Cousens--

Madam Chairman: Oh, please.

Mr. Owen: --as being attempted here, but I will not accept or allow anyone to suggest a cover-up. I have said, and I trust --

Madam Chairman: Mr. Owens, please.

Mr. Owen: -- that I was polled, and I trust you will understand that Mr. McLean of his party was polled.

Madam Chairman: Thank you.

Mr. Cousens: Marion did not mention that yesterday.

Ms. Bryden: I was not polled.

Madam Chairman: The members of the sub-committee were contacted by the clerk and that was a point at which for instance the Labour Council was added to the list of contacts, and according to my conversation with her everybody agreed - Mr. McLean, Ms. Bryden, Mr. Owen, and myself - that that would be the procedure for the committee.

We have, however, decided to advertise. That is going forward, and we will meet as long as is necessary in order to make sure that everybody who wishes to be heard on this matter is of course heard.

Mr. Mahoney, you wish -- sorry, Steve. Do you wish to comment?

Mr. Mahoney: Well, I think the committee had better to decide whether we are going to sit Saturday and Sunday.

I have commitments in Cornwall on the weekend and will not be available, and I am not in a position to just simply -- Madam Chairman, I am not in a position to just simply discard those commitments. I have a number of people relying on me to be in Cornwall, and I intend to be there.

Madam Chairman: Okay.

Mr. Mahoney: So I have a real concern that all of a sudden someone would just arbitrarily decide that we are going to sit Saturday and Sunday.

Madam Chairman: Well, obviously it is a decision of the committee.

Mr. Mahoney: That is not how it was put.

So if that is the case, I for one am opposed to that occurring on such sort notice, and also a little bit concerned at the confusion. Ms. Bryden says she was not polled. The clerk who is not here who perhaps should be summonsed says she was polled. We have got some either poor memories or incorrect information coming forward, and I think we had better have it clarified.

If indeed the Steering Committee was polled, then that is totally proper, and if someone has forgotten, then that is understandable too, but, you know, I think we should have this clarified, and not be shouting about cover-ups and other such nonsense.

Madam Chairman: Okay. Mrs. Marland?

Mrs. Marland: I think we are learning a great deal, Madam Chairman, and if we have learned anything we learned that the sub-committees must meet in the body, because when I tell you that I have spoken to Mr. McLean this morning and he does not recall being polled either -- I am just -- I am only a courier of that message. I want to tell you because I thought that -- you know, it is entirely possible that -- within a caucus -- that Mr. Cousens and I may not have had the message from Mr. McLean naturally, so naturally I wanted to confer with Mr. McLean, and, in fact, I was perfectly willing this morning to come in and apologize to you, Madam Chairman, if a representative of Mr. Cousens and I had agreed to not advertising because we did not know about it, which is possible.

But anyway, poor Mr. McLean does not recall being polled either, so just for the record, I guess that means Ms. Bryden and Mr. McLean do not recall being polled.

Madam Chairman: As Mrs. Deller was the person who had that conversation. I wish she were here, and I had hoped that she was going to be able to. Unfortunately, she is tied up in the other committee.

Mrs. Marland: May I just say something else, that the schedule that I received from the clerk's department for this committee sitting did not list Friday as a date that we are sitting, not on the schedule.

Madam Chairman: The original schedule did list Friday morning, if necessary.

Mrs. Marland: On the schedule?

Madam Chairman: Yes, it did. Yes. And if the committee wishes, and if there is a significant response to the advertising, then we will have to schedule time to hear them. Mr. Matrundola?

Mr. Matrundola: Thank you, Madam Chairman.

We have an agenda here and all of us, or at least I have made arrangements. I knew that we were to meet yesterday between 2:00 and 4:00 and today at 10:00 and 12:00 and 2:00 and 4:00, and Wednesday and Friday, if possible Friday between 2:00 and 4:00.

I recommend that sitting on this committee that we ought to run this on a strict agenda, business-like, and we will achieve whatever we have to achieve. And we have other commitments already last night, and I do have other commitments. So have other people.

I do move that we keep strictly with the agenda and we do whatever we need to do, and if we need extra time perhaps we cut short on lunch break or perhaps start at 9:00 o'clock in the morning, but I need to get out of here on time in the evening. Thank you.

Madam Chairman: I think what we have to do is see what response there is from the advertising because that was the resolution of the committee, and the committee also said - and your point is well-taken, Mr. Matrundola - that we would follow the agenda as amended.

The next speaker is Mr. Daigeler, and I would suggest, if I could, that we really have delegations waiting and we do want to get on with the business of the committee. We did spend an hour and a half on this yesterday.

Mr. Daigeler: Given the amount of confusion that seems to have arisen around the contact that was made, I would like a written report from the previous clerk, I guess, on her activities. If you can assure me of that, I would appreciate that.

Madam Chairman: I am sure we can get that for you. Absolutely. No problem. Ms. Bryden?

Ms. Bryden: I think we should defer any decision about sittings until at least tomorrow when we have some indication perhaps from ads, but we should possibly consider Thursday evening or even sit 9:00 a.m. or even sitting

through lunch in sort of panels rather than the weekend. I think people have their weekends planned.

Madam Chairman: I did say 'if necessary'. Mr. Farnan?

Mr. Farnan: Basically, I just want to say that I welcome what appears to be a more enlightened approach this morning in terms of being open to receive additional delegations, and I am very pleased at this change of heart that has taken place.

Madam Chairman: All right.

First delegation is Ila Bossons, a private citizen, and Ms. Bossons has submissions which are being copied and will be circulated to the members of the committee.

Welcome.

Ms. Bossons: I would like to explain who I am. I am a private citizen. I am also the chairman of one of Canada's oldest ratepayers' associations, called the Annex Residents Associations, whose domain, if you will, is just north of Queen's Park, north of Bloor, west of Avenue Road, all the way to Bathurst and up to the CP tracks.

From that point of view I am very familiar with civic politics at the municipal and at the Metro levels, so I am not going to be saying very much, but I am not inventing the things I am talking about.

I have many, many years of working together with municipal councils, aldermen, if you will, and Metro councillors.

Secondly, I ran unsuccessfully for Metro council in the by-election last October in Toronto's Ward 5 which is just north of Bloor, west of Yonge, where I came from third.

I ran against council Ying Hope who had been turfed out by Ron Kanter two years ago. The reason we had a by-election by the way is that Ron ran for Queen's Park. I came in third. The second candidate was an NDP candidate who had considerable support from the NDP organization in the election and she had run previously provincially, and I came in third. So I have some firsthand experience of what it means to run for municipal office.

I would like to just read to you my general comments outlining: As much as I think what has been done by the provincial government, for which I voted, has been very hasty and probably not too well advised, I think any reform is very urgent. We cannot wait another three years letting Metro council run on the way it runs on now.

Many of the Metro councillors consider their jobs part-time. I would point out that Metro's budget is larger than some of the provincial budgets in Canada. It is over \$2-billion, as you I am sure well know, and you yourselves give a great deal of money to Metro council.

I am aware that there is an amendment proposed to postpone the whole matter for another three years. I, as a citizen in the City of Toronto, Metro Toronto as well, I would be very upset if there were yet another delay in reforming Metro council.

We have had a very minor reform two years ago where we finally went away from the two elections every two years to elections every three years, and as a citizen working with municipal officials I can tell you that of those two years one year every time is spent running for election, which made it very, very difficult to get much done from a citizen's point of view.

So the switch-over to three years is better, is an improvement, and I do hope that despite the imperfections that are being proposed we are not going to hold up reform of Metro yet another three years.

If you think of some of the logistical decisions that had to be made in World War II or in the Viet Nam war or anything, you know very well that enormous decisions were implemented within days and weeks, and this is not such a big matter that it cannot be done between now and sometime later in the spring.

If there are complaints from the municipalities I have heard them; I have not got much sympathy with that. It can be done.

I have would like to -- have other concerns that the drawing of municipal boundaries should have been done by an independent electoral commission, and it should never, never, never have been put in the hands of those most intimately involved with them; namely, the incumbent; the current, the sitting members of the various municipal councils; and of Metro council.

Let me jump, before I go on to the details of my position to give you the very end of my submission. It is point 8.

I realize that all of the decisions that will be made regarding ward boundaries can be appealed to the Ontario Municipal Board. I am, however, concerned that that process would again deprive us of an independent electoral commission, and I would very much like this committee to consider open ways in which potential appeals against the proposed ward boundary organization may be handled.

I personally have not much confidence in the Ontario Municipal Board. I must say that. That is probably not a thing to say, but I have appeared before the Ontario Municipal Board many, many times. There is often a great deal -- a great lack of expressed policy. There is confusion. There is lack of care, and I am really worried that an important matter as Metro reorganization should be heard at the O.M.B.

Other ridings' - provincial, federal - reorganizations have been done by independent electoral commissions, and I would really like to stress that point.

My first point refers to equal representation, and I realize that part of the reorganization has its roots in the fact that it has over the years become unequal representation. What worries me - and I am sorry, I can not put my finger on it, but you probably have looked at every word and comma of the Act and the Minister's statement - was that all though the Minister suggested that approximately a Metro ward should be 75,000 there could be a variance, up or down, up to 25 per cent.

I submit that 25 per cent up or down would never result in equal representation.

If you brought it to the extreme and you started at 75,000 and you added 25 per cent to one and took 25 per cent off the other you can see that it would be -- that certain Metro councils would be representing far fewer voters than others.

I must again apologize for my next point in which I am critical of the wording of the Act, and I have looked at the Act this morning and I do not find any reference there, but I distinctly recall this reference in the Minister's word, Mr. Eakins, where he mentioned that within a Metro ward there could be one, two or three local councils. This has been discussed for the last two months by citizens.

In fact, there is a legal opinion by City of Toronto solicitor, Mr. Perlin, who advised City of Toronto that it could be read to mean that in some wards there could be two and in others there could be three aldermen. That is gerrymandering in its classic form, and one of the proposals that I am furious that it should even have been proposed to the public -- one of the proposals, I am talking about City of Toronto because that is where I live -- one of the city proposals was an Option "B" and the city has held hearings on this just last week, and in Option "B" with eight Metro wards in the City of Toronto, two of them surprisingly would have three aldermen; all the others would have two.

The net result is that whereas in the average Metro

ward an alderman would have about 40,000 voters, in those two gerrymandered wards - namely, 5 and 8 - surprisingly there would be wards of the size of 25,000.

That is not equal representation; that is gerrymandering, and that should not be permitted. So I urge you to look into these attempts by local politicians to carve out wards for themselves to suit themselves. That is not acceptable.

I am probably particularly sensitive to that because I have run in a municipal campaign, and in the submissions made to city council just last week a number of people commented very negatively on that particular version proposed. I must report that the version that was most generally approved was the version where each Metro ward in Toronto had two aldermen.

Point 2 of my submission speaks to the total number of Metro seats. I think you have my brief by now. It is at the bottom of page 1. I point out to you that through the fact that mayors are full voting members of the proposed Metro council. You are disproportionately giving an additional voice to particularly the small, the small municipalities in Metro.

If you look at the first column there are the Metro wards. East York has one, yet by virtue of adding its mayor it has 50 per cent more than it would have simply based on population; whereas of course Toronto and North York add just a very small part of the voting power by adding the mayor's voice. Toronto has nine instead of eight; North York has eight instead of seven. It is obviously logical you add one.

In my last column, assuming the Metro votes at 34, I have looked at the share on a per population base, total Metro votes would be expressed -- and I would point out to you that North York would have 8.8 voices, votes; obviously that has been rounded up. City of Toronto has been rounded down. That calculation is just under 9.5, whereas of course York has been grossly rounded up from 2.1 to 3, and I question whether this additional vote should have been given North York. As a citizen of as I see Toronto, City of Toronto, often much beleaguered by suburban demands, I am very nervous about every additional "suburban" vote. That is Metro council's position.

This issue is particularly important at the moment on the proposed property tax reform, so-called reform. It is more a property tax scramble as to the best fit.

So I am wondering, first of all, whether the principle was wise to add the mayor's voice as an extra vote, and I certainly question it with respect to York.

These numbers, the population numbers, come from Metro Toronto Planning Department, 1985, the quinquennial review -- I am sorry, I lost the footnote. I typed this late last night and this morning. These are Metro numbers.

I take it there is a proposal to amend these reforms to have the Metro Chairman elected Metro ride. That is an extremely expensive affair, and I would argue against that because the funds needed for that kind of race would make it difficult for average citizens to run.

I believe that to elect the Metro Chairman, I, the elected members of Metro council, and from within them, is a considerable step forward over the system we have now where the Metro Chairman in fact is not elected, and, in effect, not responsible to any electors. That system should have been abolished a long time ago. So I do think as a first step to have the Metro Chairman voted by Metro, by members is an improvement.

Under point 4, I urge you not to deviate from the original intent of your reform proposal that Metro council should be clearly responsible for Metro issues only. They should not serve jointly on Metro council and on city council. That is, in fact, the system we have now in the City of Toronto, and it does not work.

We have many, many Metro councillors who spend a disproportionately high share of their time on city affairs rather than giving their attention to Metro affairs. That is, of course, understandable because city affairs and local constituents' matters are far more profitable when it comes to election times because that is where you get your contributions. Metro matters have to do with sewage, with property tax, with transportation, with roads, with drinking water. These things are very difficult to understand for local voters, who, when it comes to an election, will tell you, well, the thing that worries me the most is the parking problem on our street, or the fact that their garbage is no longer picked up from their back porch, and that they have got to put it in front.

The voters concern themselves with very small local things, and if you have a joint -- if you have Metro councillors serving both on Metro and the local municipality they will either fall in the trap of concentrating too much on municipal affairs, or they do it quite on purpose because they know that at election time the reward is there.

So I do urge you not to deviate from that. We have got the system in Toronto. We have got many years of experience with that. It does not work.

Again, I urge you to keep the municipalities to a

system whereby a municipal councillor would be responsible for one ward. We now in the City of Toronto have a Metro councillor for Ward 5, to give you a complete example, and we have a municipal councillor. The problem is that the average citizen will have difficulties knowing which person he or she should be going to if he has a problem. So there is endless confusion. From a ratepayer's, chairman's point of view, we have had years of warfare between the two competing councillors.

They used to be called senior and junior alderman. Now one of them is councillor and the other one is the alderman. We have spent years of warfare between the two because in a sense they are responsible for everything, yet they are trying carve out their particular, their particular niches. It does not work if there is multiple responsibility.

So, to go back, you should Metro councillor responsible only for Metro affairs, and at the municipal level there must be discrete municipal wards, and discrete alderman or whatever you call them. There should not be the possibility of duplication and confusion.

Accountability is something that is very difficult to achieve. I refer to it in my point four. I have talked about the joint appointment which should not be done. One thing that concerns me is that the actions of both municipal and metropolitan officials are not visible to the public. They never have been.

I am very much involved in the process. I will follow a certain issue from its initial submission to a city committee. You must then make sure that you know when it goes from the city committee to the full city council, and then potentially on to the full Metro council, or previously to a Metro committee.

It is very difficult for citizens to know how the votes went unless you are physically there. Very often you have no idea who voted, whether your particular representative voted for or against a certain issue. Only if there are recorded votes does this become clear.

Votes are not always recorded, and I would urge that the province ensure that every single decision at city committee, a municipal committee, and every single decision at the metropolitan level be a recorded decision, and that the record of the vote be carried with the documentation so that citizens have an insight in who is voting for what, or whether, in fact, their representatives are voting at all, because we have long experience with certain members of Metro council, and city council as well, who are simply not there when the vote called. They do that in order to avoid confrontation with some of their constituents. That is not particularly democratic. I am sure it goes on everywhere,

but a recorded vote, travelling with the documentation, would go a fair way to making councillors, municipal and metropolitan, more accountable.

We also have long experience at Metro level with the public being shut out and all efforts must be made to have public input at the metropolitan level.

Metro has always considered itself as a super government remote from the taxpayers, yet Metro -- most of our property tax money is spent at the Metro level, not at the municipal level, yet that is precisely where citizens have a minimum impact.

There is now in existence one - one only - and it is the first such committee which is a joint committee of citizens and metropolitan councillors. That happens to be a somewhat discension-fraught committee on the Spadina Transit proposal. One committee of that nature is not enough, although better ways must be found to run these groups.

If metropolitan government is to be responsible, it must be accessible to the public by means of deputation, and it must be accountable by means of citizens knowing who voted and how.

I go to point 6. With reference to elections, the size of the metropolitan wards at 75,000 is almost fifty per cent larger than they are now; that is very large. This discourages the entry of new candidates, and it encourages incumbency.

Many of you are new members of legislature and you will understand what it means to be shut out by a very rigid structure. From my personal point of view, having run and having lost in the by-election, I regret it is as difficult to run for Metro. In the City of Toronto we have had some very shocking disclosures in the press regarding campaign contributions, mostly from developers.

There is loss of voter confidence, and, from my point of view, it would be very beneficial if were very many newcomers to the City of Toronto and Metro-wide government. However, these wards do discourage newcomers.

Campaign contributions under point 7. Metro ward is becoming comparable in size to a provincial riding. However, as you well know, campaign contributions are not now tax deductible. This is again a barrier to new candidates and it will encourage candidates being financed by political parties.

I personally think it is regrettable if city governments turn into political governments. I do not think we should call them cradles of democracy. They are certainly

important training grounds for political life in the province or within the country - municipal governments as are school boards - and I do believe that city government is run best by people who are not affiliated or vote by certain party lines.

Sometimes, actually, it is very difficult to say what the party line on something in city government would be, and it just adds to confusion, but what it does add is an unfair advantage by some candidates who in the past, as we all know, have had contributions from political parties, which in themselves, there, were tax deductible.

I also would like you to consider what the definition of campaign period means and campaign contributions. I would suggest that all contributions to an elected official or a new candidate over the entire period on which someone sits in office should be deemed campaign contributions.

It is unfair if you talk about a three-year period of office if, during the first two years, contributions to a sitting representative are not deemed campaign contributions and only those in the last six months. I do believe that they should be, first of all, of course, fully disclosed, and they should be disclosed and the limit should apply for the period of a person being in office or -- with new candidates that is somewhat more difficult to define, but I particularly speak on those currently in office.

Under point "B", there was some time ago some suggestion that the province of Ontario might give campaign subsidies to candidates. I have not heard anything about that recently, but I would suggest under point "B" that apart from tax deductibility of contributions a provincial subsidy might be considered for numbers that are above, say, 25,000. 25,000 is a manageable size in a municipal ward. Anything above becomes very difficult to run in, and that you might consider a fair system of provincial election subsidy. This could be either on an electoral basis or it could be on the basis of votes actually received, whether or not a candidate has won or lost.

As you know, in the political system in West Germany from where I come, whose political system I do not understand in detail, but the system there will in fact give votes to - even if particular candidates have been defeated - on a very complicated apportioning system, which makes it considerably fairer than the all-or-nothing system that we have here.

Under point 8, those are the remarks I made earlier. I am concerned that we are deprived of an independent electoral commission. However, I would stress that that in itself should not hold up the reform of Metro. What is being proposed is still better than what we have now.

Point 9, I am sure many people in Toronto disagree with me on that point. I do, in many issues, believe that the provincial government must take a stronger interest, in fact a stronger hand, in the affairs of municipal governments; first of all, because you give an extraordinary amount of money to municipal governments for new constructions such as highways, such as roads, or subways. You pay up to 75 per cent; you are in fact pay operating costs, the share of operating costs of outfits like the TTC, so from that point alone you should have a hand in it.

The other point is that you could argue that Metro has outlived its day, and Metro was founded in the early 50s as a bootstrap operation. City of Toronto taxpayers its supported its suburbs to get them going. We had a very strong tax rate. You could argue that that time is gone.

On the other hand, you could argue that we need a government that extends beyond Metro, and if you look at issues such as garbage disposal or transportation, which, frankly, in southern Ontario is in a medieval state if you compare it to France, Germany, Belgium, Holland, Switzerland - a medieval state I reiterate - and you pay for it. With respect to transportation, sewage, drinking water, we should be thinking in terms of a far larger unit of government than simply Metro. The world does not end at the northern boundary of North York. Transportation-wise Metro ends at Barrie.

I hope that you will look into this. I do hope, however, that that stage of the organization will be done with somewhat less haste than this one is being pursued.

That is all I have to say.

Madam Chairman: Thank you, Ms. Bossons. The first person who would like to ask questions or comment is Ms. Bryden.

Ms. Bryden: Thank you, Ms. Bossons. I think your brief is very comprehensive and points to a number of very important points of accountability, and 'rep by pop', and the idea of a recorded vote I like very much, but when you suggest that the O.M.B. appeal is not appropriate and that there should be an independent commission put into the Act for the next election - presumably 1991 or whenever it will occur - what sort of an independent commission did you have in mind?

Ms. Bossons: I really have no details except that I must put before you my apprehensions of the O.M.B.

I take it that other political boundary reorganizations are done by independent commissions, and I have nothing more

to offer there than basically apprehensions, and the worry that there will be extraordinary pressure. The O.M.B. very easily gives in to overwhelming pressure, as I know from very sad experience. I was very involved in the railway land fight.

We will have a new system in place sometime this summer. We will have people elected within that new system, and I am just afraid that the O.M.B. will buckle under to the pressure which will say, well, we have got the system now; it is good enough; let us keep it. I have no more comments on that other than that.

Ms. Bryden: Well, perhaps the committee can pursue that when we get to that clause.

Ms. Bossons: Yes.

Ms. Bryden: But you do come right out and use the word 'gerrymander' in some of the proposals that have been put before the City of Toronto.

Ms. Bossons: Yes.

Ms. Bryden: Do you think that the legislation really should confine the proposals to ones put forward at least by the city clerk or the city planning board and not to individual proposals? Should they be looking at --

Ms. Bossons: One of the gerrymandered proposals is one proposed -- there were four options put before City of Toronto, and they all come from city clerk in conjunction with planning staff, with, of course, intense lobbying by the currently sitting politicians.

The gerrymandering proposal is Option "B". City of Toronto, eight wards; two of them have three city wards, all the others have two.

I have looked up 'gerrymandering'. It is based on Mr. Thomas Gerry who I think was governor in Massachusetts who shaped an electoral district to his suiting which was the shape of a salamander - it is 'Gerry and salamander' - and there were many caricatures of salamanders in the press, and I presume he won. I would point out, however, that he died two years later.

Ms. Bryden: Just one last question, then, if there had been a rule --

Ms. Bossons: 1814.

Ms. Bryden: If there had been a rule in Bill 29 that there could not be more than two wards in Metro Toronto within - two area wards in Metro Toronto - would that

gerrymandering have been possible, what you call gerrymandering?

Ms. Bossons: No, if it had been clear -- in the Act that you have before you now, it is expressed by -- it is... Whatever it is.

It is major point 58. This is something that I have from the City of Toronto which does not help you much. It is 5a, subsection 6. It says now: "Where the Minister recommends the establishment of a number of local wards that is the multiple in whole numbers of the number of Metro wards."

Presumably, that means that they are all equal, but each of them have the same number, but in the original documentation I distinctly recall where it said one, two, or three and Mr. Perlin in fact gave a legal opinion that it meant, it could mean two here, three there, one there.

Ms. Bryden: So this is something the committee should be looking at?

Ms. Bossons: It is a crucial point. You have ordered this reorganization in order to have fairer, more equal representation, but if that goes by the wayside in the municipal wards I do not think the voters are well served at all, and it looks very, very bad, in my opinion.

Ms. Bryden: Thank you.

Madam Chairman: Mr. Cousens?

Mr. Cousens: I just want to touch on one point because Ms. Bryden covered it. I just want to go back to the one key recommendation of the Annex Residents Association in your postscript, and, by the way, I appreciate your presentation - it is just excellent - and the thoroughness that you have gone into it. I think it is so appreciated by our committee.

Ms. Bossons: Thank you.

Mr. Cousens: But is the Toronto council going to go for the recommendation that the Annex people have asked for?

Ms. Bossons: Yes. They had a hearing last week. It was a special hearing just last Wednesday night, I suppose it was, and I did not stay for the entire evening, and there was another one the following night. It was Tuesday and Wednesday. So I do not know what in their wisdom they are going to propose to the executive committee, and the executive will then recommend to full city council, and I believe that vote will be February 17th.

Judging from the evening that I spent, people reacted negatively to the gerrymandering version, and, on the whole, the version A, which has got two city wards in every Metro ward, was the most favoured.

I cannot believe that gerrymandering would have had support, but there could have been.

Mr. Cousens: Do you think it is too late now for the province to come along and have an electoral boundaries commission to do this, or are we just going to be stuck with the problem? Because if the boundaries are a mess and certainly you are saying that from the way they are being designed and put together, is it going to be a very serious problem in November?

Ms. Bossons: I do not think it is going to be a serious problem.

The option which was backed, and which I think will be backed by most people, will be roughly fair. There were questions. There is one particular Metro ward, and that is the Metro ward including Queen's Park that will include the railway lands, it is the one that is now held by Jack Layton and Dale Martin. It is considerably lower in population than the others because the expectation is that the railway lands, and to some extent generally the downtown area, will attract more inhabitants because there is a great deal of building proposed.

I would point out though that the railway lands means 50,000 additional workers; it does not mean 50,000 additional voters. The difference I think there is something like 15,000 compared with others. It can be even more. There were some questions whether that was fair.

My opinion is that since we are not making that kind of speculation with the other wards you also should not make it with this particular ward, and you should say what is the population equally and let us distribute these Metro wards accordingly, not with some 15- or 20-year aim in mind.

If you want equal representation, you should insist on it, and that particular ward -- it is called the new Ward 4. It is roughly the current Ward 6. That would not be equal representation, in my opinion.

I go back to what I said about the Second World War. Decisions can be made very quickly, and I would also recall that Winston Churchill wanted nothing that exceeded one page in length, so obviously in city government we have deviated considerably from that mode. It could be done. I do not know how quickly you can work, how quickly you could set that up.

It would make me as a voter, and having been exposed as a candidate it would make me much happier if it were more independently done.

There is a German expression that you never give the gardener's job to the goat because he will eat it, and of course this is what you are doing here. You should not let politicians divide up electoral districts.

Mr. Cousens: Thank you.

Ms. Bossons: There is an English equivalent. I do not recall it.

Madam Chairman: Next commenter, Mr. Farnan? You are next?

Mr. Farnan: My question has been asked. Thank you.

Madam Chairman: Mr. Neumann?

Mr. Neumann: Thank you, Madam Chairman. I think I can provide an update in answer to your comments regarding the recommended alternative which City of Toronto is considering.

That was discussed and deliberated upon by the committee established by council, and they are recommending Option "A", which is the one that you prefer--

Ms. Bossons: I am very glad to hear that.

Mr. Neumann: --which is the option drafted by the clerk of the municipality.

The other options that were put forward as alternatives I believe had some aldermanic input in their presentations, but the one that you feel is fairest and that most of the citizens at that meeting felt was fairest has been recommended back to the council.

Ms. Bossons: That is good to know. With the one exception that proposed Ward 4, in that Option "A", is considerably smaller than any of the other Metro wards because that is the one in which we are sitting, which is planning ahead for the next 20 years. And I'm not sure that should be done. But it is better than all the other proposals.

Mr. Neumann: Just a general comment, Madam Chairman.

The guideline population ratio per ward is there as a guideline, and federally and provincially I think it is recognized in our representational system of government that you can not have exact 'rep by pop', that you have to take

neighbourhood considerations and geographic size and so on.

Ms. Bossons: That is quite accepted, but the plus-or-minus 25 per cent went beyond that kind of concern for neighbourhood lines, and it should never have been said.

Madam Chairman: Thank you. Mr. Mahoney?

Mr. Mahoney: Thank you, Ms. Bossons. I was interested in a couple of your comments, the one where you -- I do not know that it relates to this bill particularly, but the world does not end at the northern boundaries. There are some of us who feel the world begins at the boundaries.

In any event, are you supporting -- as opposed to this bill, you question the viability of Metro and the potential to expand it -- are you suggesting that the reorganization of Metro should be to create a super-municipality along the lines of Richard Gilbert's comments?

Ms. Bossons: What has Richard proposed? I think --

Mr. Mahoney: Take over the province.

Ms. Bossons: Taking over the province.

I do not think you can do that this spring, but there are concerns that we are working here in Metro Toronto too much in isolation from the hinterland, if you will. Maybe we are the hinterland and they are the boundaries. But if you talk about transportation, it is very clear that some more comprehensive plan by the province is needed.

I would be very interested in seeing the provincial government to look into ways in which a more regional government could be considered.

Mr. Mahoney: The comment on stronger provincial control and influence, you are suggesting that really the province should be establishing whether it is through an electoral commission or through provincial legislation, the municipal boundaries that we should be having more say in the functioning of Metropolitan Toronto and other municipalities. I take it just from the general tenure of your presentation that you think the province should be more involved in municipal matters?

Ms. Bossons: I think there are not enough linkages now.

Again, I have to refer to the issues, refer to the issue of garbage. Before Christmas I was in a workshop with Mr. Bradley and Mr. Caccia having to do with waste, with garbage, with pollution, and I said to Mr. Bradley, you are the person who has to make very unpleasant decisions about

where Metro will dump its garbage, yet if you leave the municipalities to squabble over it nothing will ever happen.

And if you follow the garbage issue, just that one, in the press you will see that very little is happening. Metro has known for years that it will run out of garbage, yet it is dumped on your government to make these decisions. So I see not enough linkage between the provincial government and Metro government.

This, again, with transportation, with GO, with subway funding, expressway funding, there really are insufficient linkages, and as a taxpayer I pay for decisions which I do not always think are the best decisions.

Mr. Mahoney: I guess the concern I would have about any amendments that might move in that direction -- had you been successful in your bid to seek--

Ms. Bossons: Yes.

Mr. Mahoney: --I would strongly suspect you would want the provincial government to stay out of the municipal business.

Ms. Bossons: No, I quite disagree with that.

Mr. Mahoney: Well, that is clearly the message that comes from municipal politicians, and, having been one for ten years, I can tell you that it is--

Ms. Bossons: That you should stay out?

Mr. Mahoney: --standard across the province that the municipal sector wants more autonomy, and more control, and more say, rather than less. That is just a statement of fact.

Ms. Bossons: I am arguing for more linkages.

Mr. Mahoney: Okay.

Ms. Bossons: I do not think that should --

Mr. Mahoney: Not on the tough issues.

Ms. Bossons: Yes. I do not think this particular reform should be burdened with that discussion.

Mr. Mahoney: Well, you brought it up; I did not.

Ms. Bossons: I did want to have you think about it.

Mr. Mahoney: Yes. Okay. Thanks.

Madam Chairman: Thank you. Mrs. Marland?

Mrs. Marland: I guess, Madam Chairman, Councillor Mahoney's - sorry, MPP Mahoney's and my background as councillors is showing, because my questions were very much the same and I will not repeat them, but I thought it was -- first of all, I agree with Mr. Cousens that this is a very well-prepared and thoughtful presentation, and I do congratulate you for that.

I do have difficulty with your summation at the end that you really did think that the province should have more control over what municipal government is doing, and I have to ask you further to the questions already asked in that area.

Obviously, those linkages then in terms of representations of the interests of the citizens of Ontario also relate to the provincial government vis-a-vis the federal government, and that kind of scenario ends up with who is representing the interests of the people, and in your opinion, do you agree with a four-level government system that is responsible for different areas in terms of the citizens? And would you agree that elected individual levels of government have to be accountable on their own without big brother at each other step?

Ms. Bossons: Yes. Oh, yes. I quite agree. And it becomes much more manageable if you keep these four levels distinct, even more than four.

Yes, I agree. But if you look at the organization of the municipalities within Metro, that is where the logical branching out stops. There is no, there is insufficient linkage from Metro to the provincial government, yet they are very closely linked through funding.

I cannot really say any more, but there is a very clear arrangement within Metro, but then after Metro, and quite often, as you well know, Metro has not been able to talk to the provincial government. There has been practically no communication, or they have been at loggerheads.

There have been municipal councils that have been at loggerheads with Metro, but there certainly has been many years where Metro did not communicate properly with Queen's Park.

I just put that point No. 9, or whatever it was in, since your thinking for the organization, for you to think of what might be done.

I could spend some weeks in talking with many people, and I would be interested in preparing a brief on that. That will take a great deal of work and expert input. But

there is a break, and at Metro there is a break. The issues are shared and the money for sure is shared.

Mrs. Marland: Well, in the interests of time, I probably will hold back my other questions.

I must say that I do agree, and I am surprised where you say that the City of Toronto does not have their agendas available ahead of time.

Ms. Bossons: Just in the morning of the city council.

Mrs. Marland: Well, I guess that points to the fact that the City of Mississauga and the Region of Peel have to be the most progressive examples of government in Ontario because we have all agendas available for the public as much as a week in advance.

Ms. Bossons: Well, the committee agendas are available with a great deal of advance notice, but that is not so for city council.

So unless you are there to pick it up at 9:00 o'clock, 9:30, on Monday morning, which most people cannot afford to, then you are on your own. You then have to have the right connections to your alderman and his assistant to find out in a hurry.

Mrs. Marland: Thank you.

Madam Chairman: Thank you. Mr. Faubert?

Mr. Faubert: I just have one question. Mr. Mahoney actually picked the original theme up, and I would like to first congratulate Ms. Bossons. I think it is a very thorough and she has obviously put a lot of thought into this.

Ms. Bossons: Thank you.

Mr. Faubert: But the one about the future of Metro, and I find it very interesting because I just wondered how you rationalize this, because if you are talking about some structure or political entity which is the greater Metro area, does that not then reduce City of Toronto's influence within that political entity, because earlier you had complained about--

Ms. Bossons: Suburban having --

Mr. Faubert: --the Metro suburban representation having more voices?

Ms. Bossons: I am aware of that. I am aware of that, but I have been very active on the issue of dangerous goods

rail traffic. The most dangerous of all those tracks is just north of Queen's Park, and if it blows down it will come down here underneath Queen's Park. I assure you that is all downhill. I have been involved in that.

The issue is: Should we not be able to discuss the matter with Peel and Halton, et cetera, et cetera as to where that track should go?

There is no mechanism for us to talk with these municipalities. There is a federal task force looking into this. Yes, of course, as the centre of the city to which almost everyone still gravitates or heavily gravitates, we will always by these numbers have a hard time winning certain issues, but there should be a means of dialogue with more than Metro.

Mr. Faubert: Okay. No, that is quite valid. As a matter of fact, Mr. Cousens raised this in the second debate and you would have concurred with him on that, because I think that is the challenge that will be facing - the province, not just within the boundaries of Metro itself.

Incidentally, there is one other thing that flows downhill all the time, and I think every municipal politician is well aware of it, especially when dealing with the province and the feds.

And I will leave that and you can think about that.

Ms. Bossons: What do you...?

Mr. Faubert: No.

Madam Chairman: Thank you, Mr. Faubert, and Ms. Bossons.

The next delegation is Mr. Mike Lauber, who is the Chairman of the Ad Hoc Committee on Municipal Structure of Metro Toronto Board of Trade, and we do have a hand-out from him.

I would remind the committee that we are now running about 40 minutes behind schedule. I certainly do not want to in any way limit the debate, but I just wanted you to be aware of that, Mr. Black, and to line up as per our agenda. Mr. Lauber?

Mr. Lauber: Thank you, Madam Chairman.

As you mentioned, I am representing the Metropolitan Toronto Board of Trade, and I am the chairman of the Ad Hoc Committee on Municipal Structure.

Professionally I am a chartered accountant and a

partner in the firm of Thorne, Ernst and Whinney. With me today is Bob Christie, who is the manager of the Urban Affairs Department of the Board of Trade. I appreciate your hearing us today. We are very interested in inputting into the system of Metropolitan Toronto.

What I propose to do is to talk for about ten to fifteen minutes and then take questions. At the wish of the chair, I would not mind being interrupted as I go along. It does not matter to me.

Madam Chairman: We will proceed with the presentation and then we will do that questions after, Mr. Lauber.

Mr. Lauber: When our committee was formed last spring we were given a mandate to review and comment and report to the Minister of Municipal Affairs on two studies, and one is the analysis and options for the structure of Metropolitan Toronto.

On that particular report we responded to the Minister under date of April 24th, and we also subsequently to that looked at the report on local government elections in Ontario, and we wrote to the Minister on the 28th of May on that particular one. We will deal just with the first report today.

You might wonder why the Board of Trade is interested in the political organization of Metropolitan Toronto, but you have to remember the Board of Trade - and some of you are not from the city - the Board of Trade is a name that is kind of unique to a few areas, and it is a chamber of commerce. It is a member of the Ontario Chamber of Commerce, and it is the Chamber of Commerce movement in this city, in Metropolitan Toronto. Our mandate is Metro-wide; it is not city.

The Board of Trade has 1,500 corporate members, plus 1,600 individual members -- 16,000, I am sorry, individual members, so it is a very substantial organization and has a very, very broad base. It is the largest Board of Trade in North America.

Now, in 1987 we submitted 80 briefs on a wide variety of topics, most of those briefs, of course, directed at various levels of government.

But the board represent business; business is basically people. We are interested in the economic and social fabric of Metropolitan Toronto, and that is why we are here. And the board's interest lie in increasing the effectiveness and accountability of Metro government. This goal can better be achieved by Metro council that is more accountable to the electorate, and by having councillors responsible to one council.

Such issues as traffic congestion, property taxes, affordable housing, and economic development need a Metro-wide perspective. They should not be dealt with on a city-by-city base, and this can be better provided by a centrally- or directly-elected group of councillors whose responsibilities are to Metro not to their municipalities, and we have tried to downplay the municipal biases.

We support the reforms as presented in this Bill largely, but in addition our brief on the local government elections supported a system of tax credits and municipal election contributions and campaign spending limits, and that is on file in the Minister's office at this point.

We felt that in providing tax credits more citizens could afford to run for office and would -- more people would participate financially within the electoral process within the city.

On the main issue of the day, though, our brief of April 24th is almost identical to the Bill which the government has brought forward for presentation here, and we will just highlight some of the reasons for our decisions as to why we made certain recommendations.

We felt that one of Ontario's most effective systems of, being Metropolitan Toronto, has matured to the point that direct election of Metro councillors should be adopted.

Now, Metro controls major economic policies, social policies, transport policies, and, as we mentioned before, the councillor should be focused on those issues, not on the garbage collection and various other more localized issues. We need their full-time efforts and their full-time support.

I know, speaking personally as a voter, I live in the City of Toronto. Over the years, in voting for my alderman and now councillors, so forth, I think I personally assess their abilities primarily on city issues rather than Metro issues, because I doubt that I really understood where they were on Metro issues, and I think that is a general confusion, at least within the City of Toronto.

So we want the councillors to have the time for the complex Metro issues, the big issues, the big planning issues, the big picture.

I think in time the voters will come to understand the process. They do not understand it now. I think they would understand the new process and it would be a much more effective and accountable method of government.

With respect to the size of Metro council and the city councils, we recommended that the councils be smaller, the

city councils are smaller. We recommended that Metro council be 28 councillors plus six mayors, for a total of 34, and that is a reduction from the present 40.

The city councils's actions, from what I have been reading in the media, have been indicating a basic downsizing, and in spite of the talk earlier of gerrymandering and so forth it still looks like the City of Toronto and all of the other cities and boroughs are targeting to have fewer members than they had before. And I think your Bill makes it specific, and I think the province should certainly take action if the various cities start fooling around with those numbers.

We felt they did not need the bigger councils. Their responsibilities are split. They do not have as many issues to deal with in each council, and therefore the numbers should be certainly smaller than the aggregate of the present councils.

I guess one of the issues we had the most fun with, of course, was the election of the Metro Chairman, and I think if you have read our report earlier we decided that either direct election or election from among the peers was an acceptable way of going, and we spent a lot of time on that, and we certainly were not unanimous in any way, and I think there is a great deal of merit for either one.

I guess the direct election concept certainly provided accountability. It certainly provided power. It might have facilitated the take-over of the province, as Mr. Mahoney mentioned earlier, but I think -- basically, I think the strength of the argument came down to the peer system that the province is now, the government is now proposing to proceed with.

Certainly, that puts a high demand upon leadership and consensus building, but it has served us well, but certainly we agree that that person should be an elected individual somewhere within the municipal organization.

So I think we have made a big step if we go with direct election of councillors. The election of the Chairman from within their peers is, I think, a very civil way to go.

One area where we do disagree with the Bill somewhat is that the Bill leaves it as optional to have an executive committee at Metro council. Within our recommendations we did recommend that there should be an executive committee. We recommended that that executive committee should be approximately one third the size of council, and that would be about 11 councillors in total.

We recommended that those 11 be made up of the six municipal mayors, plus five others elected by the

councillors from among themselves.

The issue of committee chairmen on the executive committee each was also considered, and we felt that they should certainly be eligible to be among the five elected, but they should not be members of the executive committee by matter of right.

One of the reasons for that was that the committee chairman control the spending, or the committees control the spending of Metro. We felt that those chairman should basically be responsible to come to executive for their money, not be sitting there controlling the money on executive and in their committees. And that is why we felt that the mayor should be on the executive matter of right, and not the committee chairman as a matter of right, or office.

We felt the mayor should be there. They are the link to the cities. Metro has such an input into the expenses and the effect of that on the cities. The whole -- the executive decisions impact so directly on the cities that they should be there to have their input and also to set the Metro position back at their city councils. We felt that was very important to have that link there.

And besides which, of course, under the proposed system the mayors are the only officials that are elected city-wide within their own municipalities, so that makes them, we felt, appropriate to be on there.

The last area we comment on is the board of control in the cities. We did not comment on that, and that was included in the study that we dealt with.

We do support the elimination of controllers and elimination of those numbers basically, it seems - the way the formulas are working out, in most areas - are assisting in the downsizing of the overall municipal numbers, and those, what were previously councillor offices are effectively becoming the Metro offices, and so we support that.

Ladies and gentlemen, that is our report. I would be happy to answer any questions.

Madam Chairman: Thank you, Mr. Lauber. The first person on my list is Mr. Daigeler.

Mr. Daigeler: Thank you very much for the presentation which I think is very helpful.

It has been suggested by certain members of the committee that there has not been enough public consultation of this report. Do you share this view?

Mr. Lauber: There, I guess, has not been an awful lot in the media that I have noticed, and we have studied it earlier and so forth. I do not know all of what has taken place. I know we studied it and we reported it. I do not know. I do not see any great -- you know, I think the active organizations you are likely to hear from probably have been on top of it and have been involved in it. I donot have any trouble it with it.

Mr. Daigeler: Let me phrase it a little bit differently. It has been proposed that the whole matter be put on hold until 1981.

Mr. Mahoney: 1991.

Mr. Daigeler: 1991, of course. Because there has not been enough reflection on the matter.

Mr. Lauber: I think you should get on with it.

Madam Chairman: Thank you. Mr. Polsinelli?

Mr. Polsinelli: Mr. Lauber and Mr. Christie, thank you very much for your presentation. I am glad to see that presently you support the government Bill, but I wanted to take issue perhaps with one of the points that you make in your written presentation, Point No. 5, where you are talking about Metro council's relationship to boards and commissions.

You indicate that you do not believe that, or your board does not support the view of increasing the number of Metro councillors on Metro boards and commissions.

It seems to me, sir, that many of the boards and commissions that are under the auspices of Metro Toronto make decisions that impact the citizens of Toronto as greatly and perhaps more greatly than some of the decisions that Metro council makes or the local councils make. I cite, for example, the Metro Police Commission or the Toronto Transit Commission.

Would you not say that by decreasing the number of councillors on this commission that in effect what you are doing is you are decreasing the accountability of the commission, and, in fact, decreasing the accountability of the councillor by not having them on the commission?

Mr. Lauber: I do not think we are saying particularly decrease.

I think that we were cautioning against a take-over virtually of these commissions and boards by elected officials. We feel that the -- that the City of Toronto,

Metropolitan Toronto, has been very, very well served by public citizens sitting on these commissions with elected members, and so what we are reinforcing is the importance within those boards of the elected members -- sorry, of the private citizen.

Mr. Polsinelli: I agree that there should be a place for private citizens on the boards and commissions; I have no dispute with that. But if the boards and commissions are not controlled, or the majority of the boards and commissions do not have a majority of councillors on them, would you not say that in effect council has lost the accountability, and in fact the public has lost accountability in those commissions, because all they then have is the budgetary control?

I mean, look at the Metro Police Commission, for example. If the majority of the appointees on the Metro Police Commission were private citizens and not councillors, as they are now, then in effect what direction can Metro council really give to the Police Commission when they only have one or two individuals on there? Or the Toronto Transit Commission? If the majority of the members on the Toronto Transit Commission are private citizens and not councillors, then who controls it? What say does the public have in the control of those boards and commissions if private citizens are running them and not people that the public has a right to vote for?

Mr. Lauber: Well, you threw away the budgetary control as a rather light stick; it is an awfully big stick.

You know, the Metro councillors always have the budgetary control. They also have the ability to change the members on that committee, or on the commission. So I do not think you need political control. I think you need political involvement in those boards and commissions, but I do not think you need political control of it.

Mr. Polsinelli: What about the issue of accountability? What about the issue of private citizens wanting their elected officials to make these decisions rather than other private citizens that they do not have an opportunity to vote for?

Mr. Lauber: Well, there is no question there is an argument there on accountability. I guess the point that we -- when we looked at that and we considered this point is we felt that the quality of private citizens that served on these commissions, we have been well served.

Mr. Polsinelli: Thank you very much.

Mr. Christie: If I could add to that, I think we were particularly concerned with boards and commissions that are

not maybe high-profile, like TTC, but we were concerned and I think it came from City of Toronto being concerned about having accountability and using that as a justification for having a majority on virtually every board and commission.

We thought that the result of that would be that a lot of quality people that do not want to be full-time politicians will not have the opportunity to sit on these commissions and boards, and they have something to contribute. We also were cognizant of the fact in that some boards and commissions politicians -- if they take on too much responsibility, some politicians have a tendency not show up at those boards and commissions, and that really annoys people that are volunteers that are showing up and they see the politicians showing up a nominal number of times, and that was a real concern that we had.

We thought we were losing some quality people in numbers and we might get more of the problems of attendance of politicians, but I think your point was well made in terms of the more important commissions. It is such a high profile that I do not think politicians would miss TTC meetings, for instance.

Madam Chairman: Thank you. Mr. Mahoney?

Mr. Mahoney: Thank you, Madam Chairman.

Mr. Lauber, you referred to the executive committee situation. Are you suggesting that we put in the Bill the establishment of an executive committee, the composition of that, and lay that all out as part of this legislation, or should it rightfully stay within the authority of the Metro council?

Mr. Lauber: I would expect that they would probably proceed in that direction. I do not know whether it is necessary to add that in. It is certainly something that we felt strongly there should be an executive committee. It perhaps maybe should be written into it.

Mr. Mahoney: Would it not be more appropriate for the Metro council, given your -- particularly your opening comments about the responsibilities and the broader scale and the authority and the significance of being a member of that council, and directly elected, it seems to me we would be setting them up under direct election and then usurping their authority by telling them how they are going to run the show, if we were to do that.

Mr. Lauber: As I say, in all likelihood I think they will proceed with some sort of a method. I could not see them trying to run it with 34 people.

Mr. Mahoney: So you are going to make this

recommendation to --

Mr. Lauber: Perhaps we should write to the Metro Chairman or whoever on this particular aspect of it.

Mr. Mahoney: Some of my other questions were asked, but I just have one that you mentioned at the beginning, and I do not know whether it is directly related, but we are going to be dealing with the Bill, and it may wind up being related.

The board favours a system of tax credits? You are talking about municipal tax credits or income tax credits?

Mr. Lauber: Municipal tax credits, which, when you put in a system of credits, we felt you had to put in a system of control on expenditures, election expenditures. And we probably will come back and talk to you at that time when you consider that Bill.

Mr. Mahoney: That would be great. Thank you.

Madam Chairman: Mr. Black?

Mr. Black: Madam Chairman, my question has been asked by Mr. Mahoney. I am satisfied with the answer.

Madam Chairman: Thank you. Ms. Bryden?

Ms. Bryden: I certainly feel that on the boards and commissions accountability is the bottom line, and while there have been many private citizens who have rendered good service, when it comes to questions like the recent controversy about the TTC land purchases or the police commission's orders to its force, it seems to me that the board's dealing with that should be entirely accountability to the public, and I think we really have to move towards councillors.

It is possible we could have advisory committees of private citizens, especially in technical areas, but I think we have got to get away from letting council appoint unknowns, shall we say, or people who have not been in the political realm, to run things like the TTC and the police force of Toronto.

Mr. Lauber: I think Bob Christie has articulated our position very well on that. I guess, that is a judgment call.

Ms. Bryden: Thank you.

Madam Chairman: Thank you. Mrs. Marland?

Mrs. Marland: I am wondering how the board of trade

came to their conclusions? You mentioned a committee. Did you actually canvass through a questionnaire your membership?

Mr. Lauber: No, we did not. No, the committee, I believe, was seven members of the board. We did not survey the membership.

Mrs. Marland: This presentation today is the opinion of seven members?

Mr. Lauber: No, it is the opinion of a committee of seven members of the Board of Trade who made a recommendation to the executive committee of the Board of Trade, which is comprised of about a dozen or so, which in turn made a recommendation to the council of the Board of Trade which is 35 people or thereabouts?

Mr. Christie: 25.

Mr. Lauber: 25?

Mrs. Marland: So it would be fair to say that this is representative of about 55 people?

Mr. Lauber: It is representative of the opinion of the Board of Trade, and it went through the same process that basically all submissions to the Board of Trade to anybody go through.

Mrs. Marland: But would you agree that it is 55 people?

Mr. Lauber: No, it is 16,000 members. These people, you will appreciate, are elected by the 16,000 members to represent them.

Mrs. Marland: Well, I know that --

Mr. Polsinelli: -- representation.

Mr. Lauber: That is right. I thought you would find a similarity there.

Mrs. Marland: The Mississauga Board of Trade just canvassed their membership on Sunday shopping.

Mr. Lauber: Yes.

Mrs. Marland: And it was a questionnaire to the membership. That is why I was asking you how it was done. So it is done by committee representation?

Mr. Lauber: Generally speaking. This was done by a committee, yes.

Mrs. Marland: When you were discussing the selection of Metro Chairman, and I understand from what you are saying that anything is preferable to the status quo.

Mr. Lauber: Yes.

Mrs. Marland: And is the argument against the status quo because that person does not have to be elected by the public in either accounts or office first, or at large? Is that what you are saying?

Mr. Lauber: I think that is the basic weakness of it, yes.

Mrs. Marland: And during your deliberations of the people who did discuss it at the Board of Trade, was there any discussion about the fact that if it was an elected councillor and then was elected by their peers to become the Chairman, was that shortchanging in any way the ward that that councillor was elected to represent as councillor when they went on to be Chairman?

Mr. Lauber: We did discuss that. Quite frankly, I do not recollect where we got to on that. We did not make a specific recommendation on it, so I guess we felt it was not a particularly serious problem.

Mrs. Marland: Thank you.

Mr. Lauber: The Premier still represents his riding.

Mrs. Marland: We were told that yesterday. Thank you.

Madam Chairman: Mr. Farnan?

Mr. Farnan: Madam Chairman, I just want to take Mr. Daigeler's questioning of the delegation. I think we should get this behind us and out of the way so that it does not crop up time after time throughout the proceedings and waste a lot of time on it.

There seemed to be an attempt to elicit the view from the delegation that broad measures were undertaken to solicit its input. I think all the committee accept the fact that measures were taken to solicit input. I think it is also a fact that we all recognize that perhaps we should have advertised initially, and I think if I was asking the delegation I would say: Would you be surprised that today is the first day that we are advertising in the media for input?

Madam Chairman: Point of order?

Mr. Owen: I think that the delegation is here to have

questions put to the delegation and not to have this sort of thing rehashed.

Mr. Farnan: That is exactly what I wanted to get away from.

Madam Chairman: Forgive me. You are --

Mr. Farnan: I put the question to the delegation, then.

Would you be surprised that today is the first day, that today is the first day that this committee has advertised in news media for input from --

Madam Chairman: Yes, Mr. Owen?

Mr. Owen: The delegation is here to answer questions with regards to what they are putting before us, not to answer questions with regards to rehashing --

Madam Chairman: The operations of committee. I agree. That's a function of the committee.

Mr. Farnan: I accept your ruling, Madam Chairman.

Madam Chairman: Thank you.

Mr. Farnan: I would make the point, and I make this point that we can get away from this nonsense if -- if the--

Madam Chairman: Excuse me, Mr. Farnan, you are the one who keeps bringing up the subject. If you do not mind...?

Mr. Farnan: --if members of the committee stay with the questioning of the delegation and not play political games with it.

Mr. Owen: -- remarked for the fourth time.

Madam Chairman: I acknowledge that we are dealing over and over again --

Mr. Farnan: Okay. Thank you.

Madam Chairman: Mr. Farnan, that is your question? Thank you.

Mr. Farnan: Thank you.

Madam Chairman: The next questioner is Mr. Black.

Mr. Black: Yes, Madam Chairman. I first of all want to commend the Board of Trade on the soundness of their positions and the clarity with which they present their

views.

I do want to pursue with you a little bit the question which Mrs. Marland raised, however. She seemed to suggest that your views might represent the views of a minority of the organization. How long did you take part in the discussions which led up to the preparation of this brief?

Mr. Lauber: I guess we had three meetings dealing with this, a lot of reading and so forth in between, so there was quite a good deal of thought over about a four-five week period, quite a good bit of thought and time went into it.

Mr. Black: Would there have been opportunity for other members of your organization to have input to the members of your committee?

Mr. Lauber: Certainly, the members of council and members of the executive of the board would have been aware that this committee had been formed. I guess it was -- well, I think the committees go into the board news.

Mr. Christie: Yes, but to answer your question, probably not.

But I should point out that we have approximately 20 committees at the Board of Trade, and virtually all of them are drawn on people with expertise or knowledge, so we selected seven people that had some experience in the political process, so that they were quite familiar with the structure of the local municipalities and Metro. So we were dealing with people with a lot of experience to start with.

Mr. Lauber: The other thing is that all submissions of the board are listed within the board's magazine and available for any member of the board to call and ask for a copy of his submission, and of course comment, if they wish.

Mr. Black: One final question: Your views have been on the record since April 27th, 1987 at least. Have you had substantial amounts of feedback that would suggest that the position here is not representative of the Board of Trade of Metropolitan Toronto?

Mr. Christie: No, I do not think so.

Mr. Lauber: I am not aware of any negative feedback to our position.

Mr. Black: So I think that this committee then can safely assume that the views presented do in fact represent the position of your association?

Mr. Lauber: That is correct. Well, the submission was made under the signature of the president and the general

manager of the Board.

Mr. Black: Thank you, Madam Chairman. I just would not want anyone to assume that this was a minority report of such an influential organization.

Madam Chairman: Thank you. Mr. Neumann?

Mr. Neumann: I just wanted to highlight in relation to the one comment you raised about the structuring of the executive committee.

It was the decision of the government to leave that out of the legislation so that the new Metro council would start on the same footing that virtually every other municipality in the province of Ontario has, and that is, it is left to their discretion whether or not they have committees, what structure those committees take, what terms of reference they have, and how they report back to the council.

This differs from previous legislation in Metro, but it does bring Metro into line with municipalities across the province.

Mr. Lauber: I understand that. I think we are probably right with our suggestions.

Madam Chairman: Thank you, Mr. Lauber.

The next delegation is Mr. Paul Sutherland, of City of North York, member of council -- excuse me, Ross Sutherland, of the Labour Council, not Paul Sutherland of council. I do not know if they are related. Welcome, Mr. Sutherland.

Mr. R. Sutherland: Madam Chairman, members of the committee -- no problem. I was sure for a second that is the controller instead of me. I have a few brief comments that I would like to make to the committee, and try to help you get back on schedule a little bit, I hope.

The first is, and I would like to take the opportunity to note it, is we do not often agree with the Board of Trade, but it is always nice to know that when we do. We likewise support the general intent of this legislation and feel that it is very important that it be passed now. As the delegates for the Board of Trade -- representative from the Board of Trade said, it is time to get on with it.

We have supported this position as a council now for the better part of a decade. It is a position which came to our council delegate body, was approved in a general meeting of the council, it has been in our election platform for every municipal election since at least 1980, that I know of, and when this legislation -- when the announcement was made I took it to our executive committee on how we should

respond and what we should do, and I got a very clear and unequivocal response that I should come down here - since was the only one available that day - but I should come down here and state that we want this legislation passed, we think that 1988 is the time to get direct election to Metro, and that it is long overdue. So on that note, I would encourage this committee to do everything in its power to make sure that that in fact happens.

I think there are a couple of things in the legislation which could be improved, and I will just comment on them. The major problem with the legislation, and it is not - and I understand the difficulty with it in terms of time - is that it leaves the drawing of municipal boundaries up to municipal politicians. This is obviously a principle which has been rejected at both the federal and provincial levels, and one which I hope will be rejected after the 1988 elections by the province in terms of municipal boundaries also, and I think it is very important that this committee in some sense indicate to the House that a municipal boundaries commission is an important next step in municipal election reform.

I think though that before 1988 there are some things this committee could do to make the process a little fairer. You started that by saying that Metro ward boundaries should be by population. I think that it would not be inconsistent to put a few more provisos in to make it clear to the various municipalities what you expect from them in terms of drawing fair boundaries.

I think the one that is essential is that city wards should also be 'rep' by population, and that should be made quite clear. There are some very creative and imaginative proposals being put forward in numerous municipalities, and I think that it should be made clear ahead of time that they are not acceptable because of the necessity of representation by population, and if you put it into the legislation you will find that it will solve conflict down the road when there is a potential that a municipality might come forward with something which is not -- which is blatantly not democratic, and will put the Parliament into a position of conflict within the municipality rather than straightening it out ahead of time.

So I would suggest that that is one step that can be taken. The other step - and I am not sure how to do this in terms of legislation, but we did feel that it was important - was we are not sure that the O.M.B. is the appropriate place to take appeals after the '88 elections.

We think that a municipal election boundaries commission should be established and that should be the body which hears appeals.

The O.M.B. is not really structured to do that in an appropriate way, and if the process can be established of creating a municipal election boundaries commission that would be a more appropriate forum for appeals or -- well, I mean, once it is established you do not even need an appeal because its mandate will be to draft fair municipal boundaries, so it will proceed to do that before the 1991 elections if there are problems which have arisen out of the '88 drafting and not been straightened out in the process of bringing it to the House and Lieutenant-Governor-in-Council.

The last comment I would like to make is not related here, but it is also once again to agree with the representative from the Board of Trade, and that is that I know it is not part of this legislation but we also support very strongly financing reform for municipal elections and the creation of tax credits. And I hope that this House will get on with that as soon as possible.

Those are my comments.

Madam Chairman: Thank you. Mr. Daigeler?

Mr. Daigeler: Thank you again for the presentation and for your support of the initiative that is being taken here.

In your own presentation and also in some of the other presentations that we have had, the question of the ward boundaries was identified as a major concern.

Not being from the Metro area, I have some difficulty understanding why you are so concerned about this. Are there instances in the past where you feel the municipalities have drawn up ward boundaries in an unfair and improper manner that you are so worried that in the future they might do that again, or are you simply speculating that we cannot trust the municipal politicians?

I mean, do you have some instances in the past on which you are basing your fears?

Mr. R. Sutherland: I think that the fears come from not instances in the past but watching the debates that are going on around municipal councils and Metro in the present.

There are numerous proposals coming forward, and it is not clear whether any of them will in fact be approved by councils, but they are certainly being given serious consideration, which I think do not meet sort of basic representation by population demands.

It would be an unfortunate situation if one council supported a proposal like that and when it came to the provincial and the province was then put in the position of

either supporting it or not supporting it, or having to straighten it out.

I think that in fact you have already taken the position in the legislation when it was proposed, and I hope you can continue to support it, that representation by population at Metro ward boundaries is a legitimate principle, and the other suggestion I am making is that you add on to that that city wards which are created should also meet that principle.

Mr. Daigeler: Thank you.

Madam Chairman: Thank you, Mr. Daigeler. Ms. Bryden?

Ms. Bryden: I appreciate the Metro Labour Council coming and giving us their very frank views on this question. I think it affects everybody in the city, every elector, but certainly groups of the Board of Trade and the Labour Council are important, too.

But I notice you recommend against the O.M.B. as being the court of a people after 1988 on the boundaries. What is your main reason for rejecting the O.M.B. in favour of some other body?

Mr. R. Sutherland: I think that the reason that we support it is I think there is a better potential body, and that better potential body is the municipal election boundaries commission, and I feel that it would be desirable to have that body set up and then adjudicate within its mandate on what the boundaries should be.

The O.M.B. has not been structured, I do not believe, to do that adequately. It has not been given that mandate in a general sense, and so it is much fairer and I think in the long term preferable because the municipal election boundaries commission is a long-term solution to the problem. It is not an interim measure and will continue to review boundaries over time, so I think that that is the way to go, and I would like to see that.

I should just comment also, just in response to Mrs. Bryden's opening remark, that the Labour Council represents all of the cities in Metro. We represent 400 locals and 180,000 members in the six municipalities of Metropolitan Toronto and in York region.

Ms. Bryden: Thank you. Also, when you stress the importance of 'rep by pop', do you think there should be, as there is now in the Act, an allowance for a different number of wards in any Metro ward? At the moment you can have one, two, or three, or four.

Mr. R. Sutherland: Well, I think a 'rep by pop' would

almost negate that. You know, if you have 'rep by pop' at Metro ward levels and at city ward levels you would presumably have to have the same number in each one, and I think that that would be one way of ensuring that that happens.

Ms. Bryden: Thank you.

Madam Chairman: Thank you, Ms. Bryden. Mr. Matrundola?

Mr. Matrundola: Thank you, Madam Chairman. Thank you, Mr. Sutherland, for your very brief and precise presentation. Is your membership aware of this hearing today?

Mr. R. Sutherland: I do not think they are probably any more aware than the general public.

Mr. Matrundola: Other than the public?

Mr. R. Sutherland: I think our executive board is, and certainly people who are active around this issue.

Mr. Matrundola: Do you speak on behalf of your organization?

Mr. R. Sutherland: Yes, quite clearly. As I stated at the beginning, the general principle involved here anyway is something which has gone through our organization in terms of its membership and delegate base many years ago and been reiterated a couple of times since then, so that I know that the general principle of direct elections to Metro and getting that on board is broadly supported by our membership. Other comments I think derive from that, but they are supported by our executive.

Mr. Matrundola: Last question: Would you see these measures of the Act change for the next election or rather the following election perhaps in 1991?

Mr. R. Sutherland: Which measures?

Mr. Matrundola: The Act that is going to change.

Mr. R. Sutherland: The direct election?

Mr. Matrundola: -- before the next election in November?

Mr. R. Sutherland: Absolutely. Time to get on with it.

Mr. Matrundola: Thank you.

Madam Chairman: Thank you. Mr. Mahoney?

Mr. Mahoney: Very briefly. The issue here in many cases is really one of jurisdiction. Your suggestion that with regard to a commission being set up is that we set it up, the province set it up as part of this Bill, I assume? That is what you are suggesting?

Mr. R. Sutherland: I am not actually suggesting that. I think that -- to do that, I think that is a fairly significant task, to establish a municipal boundaries commission. I think the province should establish it.

Mr. Mahoney: Before you go on, would there be any merit in having the new structure, the new metropolitan government, establish it for the future under their own mandate, to set up an independent commission to study and make recommendations to them?

Mr. R. Sutherland: Well, I guess that could be done. I would think that it would be in the province's interest though to -- I mean, there are many municipalities in the--

Mr. Mahoney: Right across the province?

Mr. R. Sutherland: --province of Ontario, and I think that that kind of structure would be useful.

Madam Chairman: Thank you, Mr. Mahoney. Mr. Neumann?

Mr. Neumann: Just provide some information for the consideration of your committee.

The establishment of boundaries, ward boundaries, Metro and municipal boards, are not left to the municipality in this case. The municipalities are to consult and then to establish recommendations on the structuring of the ward boundaries. These are then recommended to the Minister. The Minister then considers the recommendations, and they are then implemented through order-in-council. That is within this Bill for this year.

In the future, it reverts to the Ontario Municipal Board normal process which is there for all municipalities across the province of Ontario, and indeed the Ontario Municipal Board does have that responsibility, and there are clearly established procedures. Citizens can initiate a review of board boundaries. It does not have to always be initiated by the council, so I think if the committee wish to make a general recommendation, it should not necessarily be part of this Bill; it should be part of an overall review, and perhaps we might want to review what that O.M.B. procedure is, and whether it needs any reform.

Madam Chairman: Thank you, Mr. Neumann. Thank you,

Mr. Sutherland.

Mr. R. Sutherland: Thank you.

Madam Chairman: The next delegation is Mr. Paul Sutherland, City of North York. Mr. Sutherland has a document which is now being circulated to the committee.

Mr. P. Sutherland: Thank you, Madam Chairman. Good morning. Good morning, ladies and gentlemen of the committee. I see there are some other previous local municipal politicians: Mr. Faubert, Mr. Polsinelli, and, Mr. Stoner, I understand you too as well in Pickering?

Madam Chairman: Mr. Mahoney and Mrs. Marland --

Mr. P. Sutherland: We all know about municipal government. Many of us do.

Madam Chairman, I wanted to state it outright or at the beginning that I voted in favour of the motion at North York council that was in fact opposed to direct elections to Metro, so I want to at least state that and go on from there, because I understand, and certainly the Minister has suggested to us that he would like to implement them for the next election, and I understand that is the direction the committee is going.

So just to clarify again that North York council and I voted in favour for the motion and North York council is opposed to direct elections to Metro, so that means I am also opposed to direct elections, and mainly because the only real issue that came out of the study on direct elections was the fact of accountability, and I wanted to speak to you just briefly about that and my own background. Members of my family, including myself, have been involved in municipal politics in Metropolitan Toronto for 32 years, and so with that background, both vicarious and direct experience, I do have some knowledge of how the Metro government works and the accountability factor.

Frankly, accountability is when a homeowner calls up their local representative and asks for something to get done: Does it get done to their satisfaction? I have never had any complaint from any resident in my ward, and I am not aware of any complaints in general in North York about residents calling into their local councillor who may or may not be on metropolitan council and not having their problem solved.

In other words, those problems can be solved at a local level, and that is the accountability that people are looking for, so that issue to me does not really ring completely true. I believe the accountability is there in the system, and I believe the liberal party themselves felt

that years back, always felt that the accountability was there with the Metro system as it was.

So, having said that, and on the assumption that it will still go ahead anyway, there are some other matters that I am concerned about, and I do not think from what I have seen in the legislation to date, or what I have heard of it, that it is being considered. What we see in that legislation is direct elections to Metro and some changes in how that is going to work in terms of the mayor at various municipalities will sit at Metro, and basically that will be the only member of a local council that will be at Metro Toronto.

Now, the problems that I am concerned about is that the Metro councillors will not be dealing with the day-to-day issues that local politicians deal with, which is parking and problems with minor developments in the area or major developments in the area. The on-going reasons of why people call their local politician: sidewalks, et cetera. We are all familiar with them. So the Metro councillors are going to be now directly elected so they are going to be politicians that are going to be concerned about being involved and close to the residents, and political animals tend to want you -- need to be close to people, and so they are going to pick up more and more on the local issues.

This is where we are going to have some problems, because Metro council now under the legislation has considerable authority to effect zoning amendments and zoning official plans in local municipalities, and, as an example, if we have a major development on Yonge street, which many of you know at Yonge and Sheppard in that area we have major developments, we can have major developments that run up to \$300- or \$400-million in a type of project, and it may involve the closing of a city street, or a lane. Now, in order to do that we must have Metro approval, okay?

Now, the way the system works now is Metro basically automatically approves that. If it is approved by the local council, the political will is there, and usually this is after many, many months or even years of negotiations, then it basically goes through and it is approved by Metro.

What can happen now is you can have a few members at metropolitan Toronto council that are asked by members in the community who are opposed to it - and there are all members opposed to major projects in communities - to stop the project somehow, and the way they could stop that project is simply by asking Metro council to refuse closure of a road. Something very simple and basic which is standard, really is standard and basic, okay, can hold up many, many, many months of discussions, and problems, and working with community ratepayer groups on a political whim.

It not only can happen; I expect it will happen. It is just one example.

Official plans. Official plans at the local level must be approved by metropolitan Toronto and the Minister, but under the Act the Minister can give that authority to Metro Toronto government, their zoning, the official plans.

Our official plans in North York and the municipalities must conform to that official plan. If we do not conform, Metro can force us to conform within a year. These are all things that are in the Act now which are not really used right now, but I feel can be and will be used in due course as the direct elections take hold. So my basic fear is that we will lose local government in Metropolitan Toronto in favour of a very large government of 2.5-million people in the end, and that in ten years what we will in fact have is a metropolitan government, and the local municipalities will cease to really possibly exist at one point in time, because really their importance may in fact fade away, because we are looking at the potential of double hearings, public hearings at the local level, public hearings again at the Metro level on the same processes which will slow any decisions being made through the planning process.

I can see continued delays, continued politics and really not -- the people not being served probably.

The people out there, and that is who I am really coming to speak to you about now, do not know what is happening about direct elections. They hear it is more accountable because they get to vote somebody to Metro, but they do not know the ins and outs of how all of these things actually happen and take place, and I am very fearful that when they do find out they are going to be very concerned about what is happened to their local government because we still are the No. 1 person to call -- I get many calls as all-year member -- someone can call their local councillor and talk with them at home or at work, and they can yell at you, they can do whatever they want, and they seem to get -- whenever they want a local councillor, and they feel that they are close to them.

I am concerned that a city the size of metropolitan government as removed -- and it will move, probably shift into more of a party-type system, that that accountable will be lost. So really that is what I am here to say. The motion here, which is adopted by council, has now gone to Metro, is to say to the Minister and this committee to please, when you look at direct elections, look at the regulations, look at the Act, and see where Metro government really does have tremendous authority over the municipalities, and to adjust those and clarify what it is that the Metro politicians are to be in charge of, and responsible for, and what the local municipalities are

responsible for, because right now it is not clear, and that is really my biggest concern and why I wanted to speak for you today.

Madam Chairman: Thank you. Mr. Sutherland. Mr. Faubert?

Mr. Faubert: Thank you, Madam Chairman.

You lost me at one point, although you picked it up later, and you are concerned with the major local power and planning; is that correct? That now the local municipalities must conform to the official plan? That power exists now within the metropolitan structure?

You are saying that you will lose ability to influence the decision of Metro; is that your concern?

Mr. P. Sutherland: My concern is that Metro can set their own official planned agenda which will force the municipality to adjust to it.

Mr. Faubert: They can do that now.

Mr. P. Sutherland: They can do it now, but basically they do not do it now, but when there is politicians directly elected there and that is their only responsibility, I am suggesting that that is in fact what they will do.

Mr. Faubert: But one of their abilities will be to, or one of their main responsibilities will be to judge planning and planning proposals, how they affect Metro, and Metro as a whole, not necessarily just local municipalities. Is that your concern?

Mr. P. Sutherland: That is where the arguments to be opposed to or in favour of something will come out, yes, the protection of the metropolitan community as a whole, but it is an ephemeral-type thing and it can be argued successfully the other way.

Mr. Faubert: But you do not feel that - this is the last question, Madam Chairman - that the locally elected metropolitan councillor, because he is elected within the ward around or would be part of the planning, would he not be concerned about the local influences or the local effects of his decision?

Mr. P. Sutherland: Very much so. That is actually the issue because he or she is going to be very concerned and he or she would want to impact on the decision. Right now a local councillor can have a major impact on the decision and what happens in a particular community, but that influence is going to diminish because --

Mr. Faubert: It should be shared?

Mr. P. Sutherland: But the sharing process is a delaying -- it is shared now, okay? What I am suggesting to you is it will not be shared, that it will in fact be used or can be used to delay and especially if the local councillors do not get along with each other, which does happen, as we all know.

If they get along, I do not see a problem. I do not expect a problem in my particular area, but that is right now. In a year or two, it could be a problem. And that is where you have difficulties because you can have delays all through the system, so when a resident calls me and says, Paul, can you look after this, whereas right now I can say, yes, I think I can look after this, I will not be able to say it then because I have get another level of government, a fourth level in fact now - which is what we would be doing, we would be legitimizing a fourth level of government - to deal with. And so the on-going process has to go on. They have to then talk to that person -- continue the process. It is much harder for a citizen under this new system to accomplish -- and get a "yes" or "no" answer on things because they are going to have to go through that many more people.

Mr. Faubert: Because the system is shared, in other words there would be a Metro ward -- under the present system you are relying on an alderman from the northwest somewhere to support your position in your ward at Metro. Now you would have someone at Metro who has a common interest with you.

Do you not think then that is a shared responsibility and you would have more influence with him or her?

Mr. P. Sutherland: On the larger issues, that is a plus side to it. They are not all negatives. I think the direct elections has some pluses, but I think it has more negatives than pluses.

Madam Chairman: Thank you, Mr. Faubert. Mrs. Marland?

Mrs. Marland: Yes, Mr. Sutherland, I am a little amazed at what you are saying because you are talking about the direct election as though it is a direct election running at large. I mean, surely these people who are going to be elected to represent their Metro wards are going to be just as accountable as you are. I do not know. Do you sit on Metro council, now?

Mr. P. Sutherland: No.

Mrs. Marland: I mean, the representation is still

there on behalf of the people that elect them, and your argument about the fourth level of government, my goodness, we should have been arguing that back in 1974, I guess. I mean, we have had the fourth level of government all along. So I really -- I guess I am really amazed at what you are saying--

Mr. P. Sutherland: Well, not really -- the question --

Mrs. Marland: --because what you are suggesting is that has not happened today; it is suddenly going to happen, because these people sit on Metro and do not sit on their local municipal council.

I just do not follow why you have that reasoning, why suddenly these locally elected people to Metro are going to care any less for the people in their local ward on those Metro issues, or indeed -- I mean, I am speaking as a former municipal politician as well, and if whether I sat on Metro and whether I sat on Peel Region, or sat on Mississauga council, I would be as concerned about the citizens in any of the levels of government on decisions that affected them equally. Whether that was an area of my jurisdiction, I would -- it is common sense; we all want to serve the public to the utmost of our ability, and in their best interests, and I do not understand how that is going to change. I do not see why you think it is going to happen.

I mean, you are going to say it is going to happen because the two councillors may not get on, well, you know, that is as likely to happen as it has in the past.

Mr. P. Sutherland: I think what happens in this case is there is a very direct link now between the local government and metropolitan government from the local municipalities. That direct link will be gone. Therefore, the Metro municipalities -- councillors will be considering Metro issues as their priority, not necessarily the local issues.

Mrs. Marland: Oh.

Mr. P. Sutherland: That is where you can have a change.

Sure, it will work fine for some people, but I think it can work the opposite to that, too, and that that will in fact become the norm years down the road, because the way the legislation is written -- I do not know if you have seen the legislation, the way it is written, but clearly the way this legislation is written, and I have gone through this with our legal people in North York, the drift here will be -- the power drift here will be to metropolitan government away from the local municipality, okay? That is the drift because of the legislation. That is what I am

opposed to because I for one believe we should keep as much authority with the local municipalities and not move it away to a larger greater level, because I do not think the accountability is there as it gets bigger, government gets bigger. I think it is more accountable when it is smaller and closer to the residents.

Mrs. Marland: Can I ask you what your Appendix A is?

Mr. P. Sutherland: Oh, actually I meant to explain this before I started.

This is what North York council has documented and gone to Metro council, and my certain is where it starts at "Whereas the Bill which is the motion...", below that, these were other motions that were dealt with by North York council, and it has to do with the make-up of the wards and suggests that we should keep the same number of wards in the city as we now have and that the Metro boundaries would combine two wards, and become one ward for Metro.

Mrs. Marland: All right.

Mr. P. Sutherland: So ours is fairly evenly split. We have 14 wards and we will have seven councillors going to Metro, so each will represent two wards.

Mrs. Marland: Thank you.

Madam Chairman: Thank you. Mr. Mahoney, you are next.

Mr. Mahoney: Thank you. Mr. Sutherland, I understand that North York's position is status quo. That is what your council has said you prefer?

Mr. P. Sutherland: There is probably another way of saying it: 'status quo' or 'opposed to direct elections'.

Mr. Mahoney: I see. I guess it depends how you look at this. My understanding of the purpose for creating at least in the last decade regional government, and I assume it was true in 1953, was to in fact bring the decisions closer to the people, to set up a regional form of government.

In our community, in Peel, pre-1974 if you wanted a simple stop sign put up on your street it had to go to the provincial government for approval, and so the region was established, and likewise Metro was established in 1953, to decentralize some of those powers away from the provincial government and give them directly to those people that are elected municipally, however they be elected being another issue. So that the power in fact has been transferred closer to the local people.

It seems to me what is happening now and has been for some time, at Metro particularly, is that the tail has been wagging the dog. The local municipalities, whenever an issue is contentious, your mayor or somebody stands up and very eloquently puts forward the case for the local municipality and it gets referred back to the area municipality for a report, rather than referred to the staff at the regional municipality, i.e. Metro, and therefore, the local municipalities are in fact controlling the regional Municipality of Metropolitan Toronto.

I just wonder if you see it that way?

Mr. P. Sutherland: You should realize of a Metro budget of \$1.3-billion dollars, I would say --

Mr. Mahoney: 1.8, I believe.

Mr. P. Sutherland: 1.8, now? I would say 99 per cent of that budget, and 99 per cent of what is done at Metro is done without that type of controversy, it is almost automatic. What you are talking about is large issues, such as direct elections to Metro, such as market value assessment, Spadina Expressway, subways, these types of things, but those are the major issues, and there is five or six of them floating around at any given time, but the day-to-day aspect of government is actually done at Metro by staff, which is really what the design of Metro was, was that the staff --

Mr. Mahoney: How about change? I am curious.

Mr. P. Sutherland: By doing direct elections, we will be politicizing more the Metro government because it will be an independent body with officials that need to be elected by people and will need to get their names out to people, because the Metro officials when they are elected directly will not have the ability to meet day to day with their residents, because they do not deal with those issues; they deal with the large issues. They do not deal with issues on the streets. All they deal with is stoplights on Metro roads. That will be it.

Mr. Mahoney: I guess it is curious that you say they will need to get their names out to people. I guess another way of looking at that is they need to be responsive to their constituents, to show their constituents that indeed they are doing the job they were elected to do. I just frankly have difficulty understanding why that is unhealthy or wrong.

Mr. P. Sutherland: Because there is --

Mr. Mahoney: Are you not feathernesting? Are you guys in North York not trying to protect your own little fiefdom

here?

Mr. P. Sutherland: I am not at Metro council. I can speak very objectively because I am not at Metro council..

Mr. Mahoney: I understand that.

Mr. P. Sutherland: Nor did I stand for the last council meeting which was going to Metro, so I think when I am here I am speaking objectively, and what you are saying is a two-edged sword. You can say, yes, of course, it is the politician representing their people properly. But it can also be a politician - because of not being able to meet with their people on the day-to-day issues which councillors deal with - will take development issues and the larger issues and make them issues so they do get press, okay?

Mr. Mahoney: I guess that will depend on the individuals.

I know a number of local area municipal politicians who do not meet with their residents either, and that has got nothing to do with their time load; it has got to do with the fact they are not doing their job right.

Are you aware of the establishment and the announcement in the Throne Speech of the establishment of the Greater Metro Review Committee that is being set up to study the exact kinds of things that you are talking about? Who is responsible for what? Whether Metro is responsible for land fill, interregional transportation, not only within the federation of Metropolitan Toronto but within adjoining municipalities, and that kind of thing, economic development, Hydro, all of that kind of thing? That committee is established and Eric Fleming is the Chairman of that.

Mr. P. Sutherland: I was aware a committee was established, but I have no idea or have not heard -- in fact, I did not hear about this meeting. North York was not advised really of this committee meeting. I heard it through a Metro councillor. But I understand that was sent, but I do not know what the agenda is for it and what its mandate is. If it is to look at legislation -- you know, because we are getting into areas which I really did not want to in the sense of politicizing and everybody has opinions on that, but my main concern is what is the legislation going to be, what is the protection for North York, York, and Toronto, the cities in terms of development, zoning matters, official plans?

Are they are going to have control or the large control over that, or are they going to lose that to the Metropolitan government? That is really the issue.

I say they are going to lose that control, and I think that is wrong for the people of Metropolitan Toronto, because that is what I feel this committee should recommend be addressed in this legislation, if at all possible.

Mr. Mahoney: Sorry to belabour this, Madam Chairman. Maybe we should get this clarified. My understanding is we are not usurping local planning authorities from the local municipality. David, can you comment on it?

Mr. Neumann: The suggestion by Mr. Sutherland is that the area municipalities will lost the power under zoning by-laws and the planning act and et cetera, et cetera.

There is nothing in this Bill which changes the current division of responsibilities between Metro and the local municipalities. I think the point Mr. Sutherland is making is perhaps responding to the general consensus that has emerged in Metro among many, many groups that you are hearing from and many councils going back to the Robarts Commission that metropolitan council has not used its existing authority to address as fully as it might the area-wide issues, and hopefully that is the thrust of this Bill, that with direct election that will be the trend.

I think what Mr. Sutherland is alerting you to is that the pendulum may swing in that direction; he does not want to swing too far to the point where in addition to addressing these area-wide issues they start to interfere in the local area council's area of responsibility. There is nothing in this Bill that shifts any responsibility from the local council to Metro. So I think it is something that everyone in Metro will have to monitor as time goes on.

Mr. Mahoney: So what we are hearing then from Mr. Sutherland is that it could be the thin edge of the wedge. There is nothing really substantive here in the Bill to base your fears on, but still have those fears, which make them real, at least in your mind and in the minds of your colleagues on North York council?

Mr. P. Sutherland: I would hate to belittle my reason for being here by saying it quite that way. It is a little too soft.

What I am saying is in the municipal Act -- I can give you, read the subsections, but I did not know how much of the committee's time I should use up, but subsection 271 of the Planning Act provides authorities for metropolitan government which they can use now, and subsection 274 is basically -- which gives -- the Metropolitan official plan is the official plan for an area municipality, and metropolitan official plan prevails to the extent of any conflict between those two plans, and these are something that we deal with day in and day out in North York and every

municipality. Official plans, changes to local official plans and Metro official plans is day-in/day-out stuff, and the authority is there now for the metropolitan government to use that authority in a much stronger way than they do now, so we can watch for the shift that I can tell you that metropolitan government will not only watch for the shift, but they are going to encourage the shift and they are going to hold onto the shift. They are not going to come to you and say, look, we have got too much authority, do something.

And the local municipalities, I do not think, will be heard as clearly as the Metro -- as Metro could. So that authority for them is there now; they are are going to use it, and it is going to take away from local government in Metropolitan Toronto. That is there now.

Mr. Mahoney: It is there now. They could use it now if they wanted to?

Mr. P. Sutherland: Absolutely. They do not because of the Metro structure right now, which I think is the best structure ever designed.

Mr. Mahoney: -- area municipalities.

Mr. P. Sutherland: And has proved to work very well over the years.

Mr. Mahoney: Thank you.

Madam Chairman: Mrs. Bryden?

Ms. Bryden: Madam Chairman, I think Mr. Sutherland has done us a very real service, though, by bringing before us the dilemma of where should the power lie to see that the demands of the developers and the needs of the local residents are balanced, because that is really what planning is all about, and in some municipalities it has been rather heavily in the area council and others in the regional councils, and you are saying in Metro Toronto in the past they have not used their full powers.

But I think the thing is that we want to be sure that what has been going on in some municipalities - I am not necessarily saying in North York - of planning by the business of let us make a deal with the developer and say that this is good for the municipality, or by giving bonuses in density in exchange for parks, schools, housing, day care, and so on. That kind of planning has to be monitored to see who is benefitting from it.

It is not happening in North York? Well, I am glad to hear that, but I think as far as Bill 29 goes, if we do have direct elections there will be a possibility of a shift in the power. We have to monitor that.

I think the other thing we have to monitor is what kind of accountability procedures is the new directly-elected Metro council going to have, because in the past they have not welcomed deputations, like the city council has at least. They do not advertise their agendas or let people know that a certain issue is coming up, or have evening public meetings very often. I think they have occasionally. But that is not true accountability.

You have alerted us that it is a real danger that what will go on at Metro council will not be known to the residents until after it has happened in many cases. I know we cannot write that into the legislation, but I think if we do go for a direct election that sort of machinery has to be built up so that the local residents have an equal opportunity, and the local councils, the local area councils have an equal opportunity participate in the decision-making. And I think that is a major review of our whole planning and zoning controls under provincial law.

Do you think that is going to solve your problem?

Mr. P. Sutherland: No, but that is a good point. A lot of those issues have not been raised. When a resident, say, in my ward, which is up at Yonge and -- or the Finch and Shepherd area needs to talk to their Metro representative, they have to go down to the new city hall somewhere on King Street to see them. If it is something that they have to work within the city hall about, that is a long way for a resident to go.

Right now that resident would come to city hall in North York, which is much closer. So there is all kinds of things about direct elections and accountability in terms of logistics and practicality, which is not really being considered in this legislation, that is going to make it more difficult for residents to work with their local representative.

There are very many of them just like that. And, as you say, Metro council does discourage public hearings. In fact, they probably will then encourage them and what we will see is public hearings at planning advisory committee of North York, we will also have public hearings at North York council, there will be a public hearing at Metro council for the same issue, at the committee, and there will be a public hearing at Metro council, and then it will go to the O.M.B., so you are going to go through a process I would say a very long development of perhaps an extended six months to a year just to go through Metro. And the authority or the ability for the local representatives to impact on decisions, as far as the perception from the residents is concerned, will be greatly diminished to the point where they may, in fact, in the end not even bother

dealing with the local municipality and work it through there -- and work strictly at the Metro level.

And that is what I see happening, and I believe will happen, and that is why the local government will lose -- is why in fact we will end up with one city government of 2-1/2-million people which will pretend to be a local government, which I am suggesting to you is much too large to be really an accountable local government to residents.

Ms. Bryden: Thank you.

Madam Chairman: Thank you. I would like to clarify -- I just had the clerk check. The notice to the municipality was sent to the mayor, and to all the other mayors, so just on that point...

Mr. P. Sutherland: Thank you.

Madam Chairman: The next speaker is Mr. Farnan.

Mr. Faubert: That is what I was going to point out to you, on sharing of power, this notice went to the mayor on January the 11th. He did not share his letters even, never mind his power.

Mr. P. Sutherland: We have a committee that is looking into this whole issue, and I suppose if the mayor did not pass it over, I will have to speak to the mayor.

Madam Chairman: That will be very interesting.

Mr. P. Sutherland: Anyway, I did not mean to cloud the issue there. I think you are doing a fine job.

Madam Chairman: Thank you. Mr. Farnan?

Mr. Farnan: I would like to pursue a line of thought introduced by Mr. Mahoney and that I think is legitimate, and, first of all, I would like to ask you: What was the vote at North York concerning the motion opposing direct elections?

Mr. P. Sutherland: I cannot say off hand. It would have been a vote something like 13 to 7. It certainly was not unanimous. There are a number of members in North York council that are in favour of direct elections.

Mr. Farnan: Could you just explain to me in North York how many members of council are there?

Mr. P. Sutherland: There are 19, so it could not be 13/7. It would be something -- 13/6, I guess, or 12.

Mr. Farnan: So how many members are there altogether?

Mr. P. Sutherland: In North York?

Mr. Farnan: Yes.

Mr. P. Sutherland: 19.

Mr. Farnan: 19, and there are seven Metro reps?

Mr. P. Sutherland: 10.

Mr. Farnan: 10?

Mr. P. Sutherland: The board of control, the mayor, and...

Mr. Farnan: What system is used for getting your Metro reps from that 19?

Mr. P. Sutherland: The board of control members and the mayor automatically on Metro council. The other members of council are appointed at the beginning, right after an election, by council to go down.

Mr. Farnan: Is there any sort of unwritten agreement among council members that those people who will go to Metro are those who have one with the highest majority vote or they are the longest serving members on the council, or they happen to belong to a group of council that has more clout than another group, and if you join this group you are on to Metro? How does it work?

Mr. P. Sutherland: I do not think there is any firm agreement, but that does happen. I think the ones that have been there the longest tend to be the ones that get down to Metro council, and that is a drawback to the appointment system of Metro. That is a point in favour of direct elections, if that is what you are getting at.

Mr. Farnan: Basically, you are saying that in North York it may not be rigid but there is a tendency that the number of years served is a fairly significant criteria in electing your Metro reps?

Mr. P. Sutherland: Well, it would be because it would be natural. If you are newly elected, you have got a lot of work to do just looking after your own city or municipality. Usually, if you have been there for a while you have more experience, you understand the issues better, and it makes sense for you then to go down to Metro. So it makes sense that the more knowledgeable individuals would go to Metro council from local council.

Mr. Farnan: Now, I come from a community, Cambridge, which went from a ward system to direct elections for our

regional councillors, and my experience, and the experience of my colleagues, on that council was as we approached a particular time - and, first of all, we voted that we would reduce the size of council, and that we would have direct representation on the regional council - but having made that decision, as we approached the time for the election there was great anxiety among us as public representatives. Part of it, I think, was: Which group do you run for? Do you put your name forward as a local alderman or as a regional councillor?

Is there any of that anxiety evident within North York?

Mr. P. Sutherland: I think you are asking questions which are only natural for any individual. I would imagine some people have some. I do not particularly have any anxiety about it, but I would imagine there must be some members of council, particularly the board of control, because they are being abolished, and if you are on board of control now you are going to want to look for somewhere to run.

Mr. Farnan: Just to go back to the point of incumbency, because I think you pointed it out that under the present situation incumbency and long serving, the length of service, is a ticket to the Metro council, or it certainly helps; is that correct?

Mr. P. Sutherland: That is correct, yes.

Mr. Farnan: And therefore those members of the present North York council based on that could very well have a vested interest in voting against direct election because indeed this may mitigate against their chances of being a Metro councillor, whether they are a Metro councillor now or not.

The system as you described it to me suggests that all of the present North York councillors have a better chance of being the Metro 'rep' under a system of direct election.

Mr. P. Sutherland: Well, Mr. Farnan, that was certainly the direction you took me with the questions, but I should clarify that point. I am here speaking for the people in my ward. I am not here speaking for other politicians in North York council, I am not here to speak of how that system can work and cause problems for metropolitan government.

I am here speaking about the people and how I feel they are going to be affected by the direct elections.

Mr. Farnan: Absolutely.

Mr. P. Sutherland: And I am very sorry --

Mr. Farnan: I appreciate the distinctions you have made; however, you did come on with a resolution from the council as a whole of North York saying that they opposed it, and it would occur to me that to question the motives of that council in coming to this determination, which would appear to me to be opposed to the democratic process to be quite frank, that it has to be based significantly upon vested interest.

Mr. P. Sutherland: Just to clarify, Mr. Farnan, if I may. The motion here is not in opposition to direct elections. What it is, if we are having direct elections please look at the legislation, the municipal Act, to ensure that local municipalities do not lose their authority. It is really as simple as that.

My concern, and I still say it is legitimate, and it is council's decision - I was at council last Monday; this was a motion from myself, which was passed by council - it is concerned -- it has got nothing to do with the games that go on with direct elections to Metro government from local municipalities. There is a concern that if we do not have protection under legislation, which is -- because we will become in fact a lesser level of government, and if we do not have protection under the Act, then we are going to lose what we now have, or even -- and what we are saying is let us make sure the local municipality is a local municipality.

It does not get any larger and does not move to a two-and-a-half million city, which is not in the interest of the public, in my opinion, and now the opinion of North York council. And I believe it will also be the opinion of Metro council. I believe very strongly that Metro council is going to adopt this resolution as well, because all of them are aware of what the authority can come to bear on local municipalities by local government.

It is not all a happy situation. It is something that can be very, very imposing on a local government.

Mr. Farnan: So basically you are not opposed to direct election; what you are just saying is, let us be cautious of the balance of power?

Mr. P. Sutherland: I have spoken up because I feel the system works well even with some of its drawbacks. It does work well, but if it is the decision of the government of this province to implement direct elections, then really my position is implement it, but please look into this situation about legislation and protection for the local government. That is really, you know, my position.

Mr. Farnan: Thank you for that clarification.

Madam Chairman: Thank you, Mr. Farnan. Mr. Polsinelli?

Mr. Polsinelli: Madam Chairlady, I wanted to thank Mr. Sutherland for making the presentation to the committee today, and I wanted to indicate that, at least as it applies to me, you have brought in a new area of thought, and that being the shift of power between the local and the Metro governments. I think some of that will occur. There is no question about that, and I think we have to monitor that very carefully.

I do not think that may all be bad though. I think there may be some very good aspects that will occur from that shift of power. As my colleague, Mr. Faubert, pointed out, it may give the local councils an opportunity to focus more on the local issues and spend more time on them.

Accountability is a tremendous factor, and you will have someone who represents the same people that you do, that will be accountable to the same people that you do, in making the larger decisions perhaps. So we will have to watch it. We will have to monitor it, but it is an interesting aspect of the whole process.

Mr. P. Sutherland: Thank you.

Madam Chairman: Thank you, Mr. Polsinelli. Mr. Faubert, was your question answered?

Mr. Faubert: I think I threw it in as a point of order, Madam Chairman.

Madam Chairman: Thank you. Before we break for lunch, Mr. Neumann as the Parliamentary Assistant to the Minister has in response to some of the comments this morning got some information which he is going to share with the committee.

Mr. Neumann: Before I table the information, I just wanted to comment that most of Mr. Sutherland's comments related to the planning process, and, as you know, there are two levels to the planning process: the official plan and the zoning. And where Metro is involved is in the development of the Metro-wide official plan which by definition is of a very broad...

Mrs. Marland: You were saying there were two levels to the planning process: the official plan and the zoning?

Mr. Neumann: Yes.

Mrs. Marland: What did you mean by that?

Mr. Neumann: The official plan develops--

Mrs. Marland: I understand.

Mr. Neumann: --a broad brush approach to planning, and the zoning fills in--

Mrs. Marland: The land?

Mr. Neumann: --fills in the detailed regulations with regard to land use.

Mrs. Marland: The zoning is the instrumentation?

Mr. Neumann: Yes.

Mrs. Marland: I just did not understand how you put it.

Mr. Neumann: And the local municipalities are involved in the zone and in developing their own official plans, which might be somewhat more detailed than the Metro plans.

Now, with respect to the items not related to Mr. Sutherland's presentation necessarily, but raised right off the top when we started this morning, were some questions relating to the ward boundary descriptions. I would like to table with the Chairman and the clerk a status report as of January 29th. This outlines for the members of the committee what has happened in each of the municipalities, what they -- how they have responded to the directions from the Minister, and where it sits at the present time.

The clerk will make copies.

Madam Chairman: Ladies and gentlemen, we will break and come back at 2:00 o'clock. Thank you.

The Committee adjourned at 12:25 p.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

TUESDAY, FEBRUARY 2, 1988

Afternoon Sitting



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: Stoner, Norah (Durham West L)

VICE-CHAIRMAN: Mahoney, Steven W. (Mississauga West L)

Black, Kenneth H. (Muskoka-Georgian Bay L)

Bryden, Marion (Beaches-Woodbine NDP)

Charlton, Brian A. (Hamilton Mountain NDP)

Daigeler, Hans (Nepean L)

Marland, Margaret (Mississauga South PC)

Matrundola, Gino (Willowdale L)

McLean, Allan K. (Simcoe East PC)

Owen, Bruce (Simcoe Centre L)

Ray, Michael C. (Windsor-Walkerville L)

Substitutions:

Cousens, W. Donald (Markham PC) for Mr. McLean

Farnan, Michael (Cambridge NDP) for Mr. Charlton

LeBourdais, Linda (Etobicoke West L) for Mr. Owen

Polsinelli, Claudio (Yorkview L) for Mr. Ray

Clerk: Deller, Deborah

Clerk pro tem: Manikel, Tannis

Witnesses:

Individual Presentations:

Poots, J. J., Senior Commissioner, City of Scarborough

Nigh, John W, City Clerk, City of Scarborough

From the Ministry of Municipal Affairs:

Neumann, David E., Parliamentary Assistant to the Minister of Municipal Affairs (Brantford L)

Lesurf, Michael, Director, Local Government Organization Branch

Kipp, Margaret, Senior Policy Adviser, Organization Policy Section

Eakins, Hon. John F., Minister of Municipal Affairs (Victoria-Haliburton L)

From the Dovercourt Park Residents' Association:

Rich, Dale

From the Communist Party of Canada:

Da Silva, Geoffrey, Chairman, Toronto Party

Individual Presentations:

Doiron, Joan, Trustee, Toronto Board of Education

Chow, Olivia, Trustee, Toronto Board of Education

From the Ministry of Education:

Bowers, Alan G., Education Officer, Legislation Branch

Tomlinson, John R., Senior Legal Counsel, Legislation Branch

ERRATA: In this transcript, Mr. Newman should be Mr. Neumann, Mr. DeSilva should be Mr. Da Silva and Ms. Kemp should be Ms. Kipp.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

Tuesday, February 2, 1988

The committee resumed at 2:10 p.m. in room 2

Madam Chairman: Ladies and gentlemen, we will begin because we don't want to run behind schedule.

You will recall that we have, as you see on the agenda, allocated 2:00 to 2:30 for the first delegate and we will now move that up by a few minutes. We are late already and we will proceed. There is J. J. Poots, Senior Commissioner of the City of Scarborough and Mr. Jack R. Ratchford, the City Solicitor. Welcome gentlemen.

Mr. Poots: Thank you.

Madam Chairman: Sorry, there is three of you, I only have two names. Introduce yourselves.

Mr. Poots: John Nigh, City Clerk, appearing with me today, Madam Chairperson.

Madam Chairman: All right. Please proceed.

Mr. Poots: I am here to place before your Committee the conclusions reached by the Scarborough Town Council, concerning the analysis and options for the Government of Metropolitan Toronto. There seems to be an explanation, I am not sure whether I should feel at home today or not because in terms of our neighbours in Pickering and Markham and Scarborough, so.

In any event, just to briefly put the Scarborough Council's perspective, if it hasn't already been put in perspective for you, Scarborough Council, at this point in time, is composed of a mayor, a Board of Control from four members elected at large, and fourteen aldermen, representing the Wards in the Municipality.

And the Council took the offer of the previous Minister seriously in terms of this information that was put together by the Task force and the Council considered each one of the options in detail. And the conclusion that I am going to table with you today had previously been tabled with the Honourable Minister. But I will just indicate them to you so that it is officially on the record, as far as the Committee is concerned.

I am pleased to have with me also today, Mr. Ratchford, who is the City Solicitor and Mr. Nigh, who is the City Clerk. And certainly after this commission, if there is any questions of an administrative nature, not of a political nature because it is not into that aspect of it, then we would be pleased to respond

to them.

Bill 29, which is a Bill that is before your Committee, is an Act to amend the Municipality of Metropolitan Toronto Act and was given first reading on November 3.

I will admit some other information but this report, with the alternatives, are the dictates that the Council of the City of Scarborough - and I can say that the policy decisions taken in Bill 29 are in the broad context - consistent with the decisions reached by the City of Scarborough Council.

So having said that, the Council, of course, is hopeful, at this point in time, that this Committee reports its conclusions, as quickly as possible, so that there is some understanding as to the political process that will be in place at the next municipal election.

In specifically analyzing the Bill and decisions of Council, I will deal with the following three points:

One, Council adopt the principle of direct election to Metropolitan Council. This principle is contained in Section 2 of Bill 29. Council is taking the appropriate action on the premise that the Legislature will give immediate approval to this Bill. And that all steps should be taken so that the reorganization plan is in place for December 1, 1988.

The second matter that is important in the Bill is that the Metropolitan Council's job consist of 28 members, exclusive of the mayors, providing representation of approximately 1,000 to 75,000 population. This principle is also contained in Section 2 of the Bill.

If you take Scarborough's present population and multiply it by the six members, we come to a population figure of about 250,000 to 260,000. So consistent with the present population of Scarborough, if that target population is correct, than Scarborough should have the six members that are set out here.

I would just like to make a point, at this point in time, that this particular scenario may not apply three years from now because, of course, Scarborough's population is increasing by about eight to ten thousand per year. Therefore, when we get around to being close to 1991, of the municipal election, based on the population criteria, it may be appropriate that Scarborough will have seven persons in addition to the mayor in the Metropolitan Council. That is something for the future.

The third point, that the chairman be elected from Metropolitan Council members. This position is also contained in Section 5(c) of Bill 29.

It can therefore be said that the Scarborough Council's decision is in agreement with that of the Government, as

represented by Bill 29.

Now, the only point that I would like to make of an administrative nature, is that in the Bill, Madam Chairman, there is reference to Metropolitan Toronto Executive Committee. There is also a reference to the ability of the local councils to establish their own committee structure. And I would just make the comment that one thing that you may like to consider as to whether -- exception, I believe it is 12 -- the council of each area municipality may establish standing or other committees and find in such duties as are considered expedient.

From an administrative standpoint, I would ask that you consider the desirability of including in that the same authority that is given by this Bill, to delegate the duties and responsibilities to metropolitan executive committees.

In other words, if a local council decides to establish an executive committee, they also have the statutory rights to assign specific duties to them, as the Metropolitan Council has now, the City of Toronto Council has now, and it would appear to me that would not depart from the general principle of the Bill but would be beneficial, I think to the local councils, when they reorganize and reestablish their committee structure.

I am therefore pleased to place now, the position before you, and if there are questions, as I have previously said, Mr. Nigh, Mr. Ratchford and myself can answer, we would be only too pleased to respond.

Madam Chairman: Thank you. Mr. Cousens.

Mr. Cousens: Two questions and I really appreciate your coming and your review of the situation and certainly, I want to make sure that Scarborough is happy along with the estimates.

May I just, how do you feel it is going to work by having a separate electoral body serving Metro needs and a separate one through the City of Scarborough and the interface that takes place between those two elected bodies, now that there will be only person linking the two and that being the mayor. Can you describe to me how that is going to work and whether or not there will be any problems and what those problems might be?

Mr. Poots: Madam Chairman, I don't believe there is any easy answer to that question. Only the future will tell. Certainly the interface that is proposed and the options we advance were options that provided different types of interface.

The Scarborough Council is firmly of the opinion that that interface can occur between the mayor, the mayor will be the representative, both on the local Council, on the Metropolitan Council and consequently, that interface and that type of interaction is all that is required.

Mr. Cousens: And the second question I had, Madam Chairman, just deals with boundaries. Are people in Scarborough generally pleased with the way you are working out the boundaries for Metropolitan officials and local boards?

Mr. Poots: The Council is in the middle of that process at this point in time. Personally, because of my long experience with Council, I have been involved with that process many, many times in the past. Primarily, of course, it is a matter of the local Council taking into account a number of factors and of course, in Scarborough's case, there are many factors other than just straight, you do it in accordance with the population figure.

In terms of the process, we have 14 boards in Scarborough and the Council will have, as of the next week, in front of it, the recommendation to implement the six. If it is other than that, and that the, from the initial review of the recommendations that have been made, personally, I see no difficulty whatsoever coming to any conclusions. With the, the Council will have no difficulty in coming to conclusions regarding the six representatives. It is probably a combination of a number of the wards, so that six members will represent Council on the Metropolitan Council.

The practice in the past, of course, that Scarborough has followed, is that they have relied on their administrative staff to put together a number of scenarios in how it works. And those recommendations have been set aside. A council committee, which is the same process, the process that we followed this time. And that recommendation has then gone on to the Council as a whole.

The public, certainly, has always had an opportunity to appear at the Council and state their position. And in fact, I guess I should say that in the past, that that type of input has resulted in some changes on the initial recommendations made by the administrative staff.

That is the process that Council is following at this point in time. And I would expect that within two to three weeks, Council will come to some conclusions as to the recommendation to be made to the Minister for implementation for the forthcoming municipal elections.

Mr. Cousens: Thank you.

Madam Chairman: Mr. Faubert.

Mr. Faubert: You never know what the future holds. I am delighted to be here and I would like to hear where Scarborough is in its structure at this point in time. I think it has gone, has it gone on now to Council yet? Has Council made a final determination of the ward boundaries?

Mr. Poots: No. It has been recommended by the Billing Form Legislation Committee at a meeting held yesterday and it will be going forward to a meeting of the Council.

Mr. Nigh: It will be going forward this coming Monday with a recommendation that a final decision wait for two weeks. There is some public advertisement and opportunity for the public to appear before the Council and public input.

Mr. Faubert: Has it gone through a full public process, the Committee?

Mr. Nigh: Yes, that is correct, yes.

Mr. Poots: The recommendation is that the decision be delayed to the next meeting and that is at 7:30 at night here and the public, further public submissions may be appropriate.

Mr. Faubert: The second one is the interesting proposal you make. I take it that you are asking that your executive function, as an Executive Committee, be included in the legislation, is that what you are asking?

Mr. Poots: Yes, that is what I am asking.

Mr. Faubert: Because at this point in time, the choice is of the local municipalities of how they establish their executive function?

Mr. Poots: That is correct.

Mr. Faubert: Because we would prefer some guidance from the Province in putting the statutory form in the makeup of the Executive Committee, the powers of the Executive Committee.

Mr. Poots: Yes, I believe that would be appropriate for the legislation to contain that guidance as it should be optional, of course, as far as the local Council is concerned so that they can implement it by by-law or not but I believe that would be desirable.

Mr. Faubert: And one last question, Madam Chairman, I think while we have Mr. Poots here. Mr. Poots has been involved in municipal politics in the administrative side for 38 years. He has had considerable experience and I just want his observations about the operation, in the future, of the new Metropolitan Council, vis-a-vis, the local council. At this point in time, there is a great deal of staff for staff local to Metropolitan that takes place. Do you see any change in that mechanism? Do you see the need for formal mechanism or do you think that that will continue to take place? Such areas I think about are, local roads which would come as a first issue, there is tremendous cooperation from staff to staff, between Metro and the local county?

Mr. Poots: No, I don't see any change as I deal with it in the two areas. The one that I am experienced in and the other one that I am not experienced in. I will be able to administer, yes. There will have to be continued, very close, cooperation at the administrative level. We do have that in place now in many areas, in most areas, in fact, and that I could see continuing.

At the political level, of course, there is going to be a need to, for the Metropolitan members, obviously to have some idea of the local situation but I would expect that the, you know, at the political level, that they will, there still would be a discussion; the same as there is between, you know, the local Council and the Provincial members. I think that that would take place automatically.

Mr. Faubert: Right. And while the Bill provides, the legislation provides a common link between the council being the mayor, you don't see that as a sole link between the two levels of Government?

Mr. Poots: Not at all, I would expect it to be a regular link at the administrative level and at the political level. Both ways, in terms of the local council members advocating their positions on Metropolitan issues, at the Metropolitan Council and the other way as well.

Mr. Faubert: Thank you.

Madam Chairman: Thank you. Mr. Black.

Mr. Black: Madam Chairman, first of all, I would like to apologize for the rather dramatic incident. We were simply trying to cool down the hot air that is coming from the other side of the room.

Two questions, if I may. First of all, a question of clarification, if I may. You are concerned about the executive committee, are you suggesting that the legislation should contain specific directions as to the makeup of the executive committee at the Metropolitan level or are we looking for more direction regarding executive committee of the area council level?

Mr. Poots: The legislation does contain that direction, as I understand it. And let me see if I can go back to the legislation. Here.

Under Section 13 of the Legislation 3, it says:

"Where the Metropolitan Council establishes an executive committee, the Metropolitan Council, may by by-law" --

-- do certain things. And it is permissive, in terms of, it

says if they establish it, this is what they may do.

What I am saying is that I believe a similar authority at the local level would be appropriate.

In other words, if a local council establishes an executive committee, then they may authorize that executive committee to carry out certain duties and responsibilities.

Mr. Black: If I may, perhaps we should have said, at the preamble, one of the people we spoke to this morning suggested that the legislation should identify the makeup of the executive committee at the Metro level. It should be composed of so many members and they should include these people. Would that be a position that you would support or would you prefer to leave your decision with Metropolitan Council, once it is formed, as to whether to have an executive committee, and how that is made up?

Mr. Poots: I believe, in both cases, that decision should be left to the local council. The way that Bill is before you, it is permissive and I believe that the local council, either at the Metropolitan level or the local level, should have the right to establish their structure they feel appropriate, within the guidelines that are in the Bill.

Mr. Black: The second question - we heard suggestions that this legislation is being rushed. That there has not been ample time for preparation and that it will pose a distinct hardship on the municipal bodies in Metropolitan Toronto, is that your view?

Mr. Poots: No, that is not my view, not at all.

Mr. Black: Because has that been discussed at the Scarborough Council?

Mr. Poots: I believe that the position of the Scarborough Council is that they fully anticipate that this Bill will be law, very shortly. And that they are preparing for that event.

They are not, our structure is such that I believe that we can adapt to it very quickly through the implications of this Bill. And certainly, the Scarborough Council, although, they have not specifically addressed that issue in the manner you are putting the question to me, I believe that their position would be to put it in effect for 1988. There could be any number of reasons that one could advance for delaying it, you know, you can do that. But no, I believe the Scarborough Council is fully supportive of this legislation going into effect in the -- for the next municipal election.

Mr. Black: And just to confirm, I believe I heard you say that as administer, you would feel quite comfortable being able to implement this legislation for 1988.

Mr. Poots: That is quite correct. I see no difficulties in terms of Scarborough in implementing it for 1988, not at all.

Mr. Black: Thank you, very much.

Madam Chairman: Ms. Bryden.

Ms. Bryden: Madam Chairperson. When you say that you are going to get your six Metropolitan Wards by a combination of your existing 14 local Wards, will you have much variation in the five, that is the Metropolitan Wards have arrived as a result of following those boundaries?

Mr. Poots: Yes, we will.

Ms. Bryden: You know about, roughly, what the population will be from so and so and so and so, but we do have growth problems in some areas?

Mr. Poots: We have always had difficulties with restructuring our wards. We bargain, as you are aware, because of the growth potential and certainly, historically, we have always tried to take into account a number of factors, not the least of which is the present population.

A projected growth, communities of interest, major dividing Highway 410, major ravine system, and so on, we have always tried to take those factors into account in developing recommendations for the wards.

I believe that the criteria that was suggested originally is 25 percent either way and there will be some difference. There is no question the 75,000 will be used as a guide but it could be 25 percent either way, in terms of the final end result of that process.

Ms. Bryden: Well, as a result then, when you have the varying sizes of Metropolitan Wards, presumably, you have a varying number of the 14 existing Wards in different Metropolitan Wards. You have some - one, some - two and some - three and some - four. What are you looking at in terms of the number of area wards?

Mr. Poots: It would probably breakdown into mostly two and in some cases three.

Ms. Bryden: No ones?

Mr. Nigh: No, no ones. You see, our Wards average now from a low of 24 and change to a high and 44 and change.

Ms. Bryden: Thousand people?

Mr. Poots: Yes. We have always used, as a criteria,

somewhere around 25,000 to 30,000 people per ward, as a desirable objective in terms of the process. And you know, in establishing some of our wards, five years ago, you know, we had 12 or 13. Now, in those Wards, because of the growth potential -- but, it will generally be a combination of, as I say, of two of the existing wards, and three of the existing wards.

Mrs. Bryden: And supposing it was considered that there should not be as many variations, within the wards, say two every ward, would you then have to restructure your Metro wards and restructure your existing wards, as well, or you could have a multiple of your six that you are allowed?

You know, one in every ward would be six in every Metropolitan Ward. Two in every Metropolitan Ward would be 12, you are aiming at 14, whether you were going to go to 18, that is the principle that is being recommended by some of the other municipalities. There should be the same number of wards in every Metropolitan Ward to appear to be giving the equality with representation?

Mr. Poots: Again, Madam Chairman, I have never heard that till now. I guess I could respond I don't know what the significance would be in terms of Scarborough. In terms of our structure, we are trying to do it equitably as far as a number of factors are concerned and I don't specifically, if your question is that we have them, have them all with two wards. The answer is no, in the narrow context.

Because then the possibility exists that we would put our population statistics way out of whack, in terms of, for instance, if we combine two wards that presently have 20,000, we are going to end up with 40,000 total people that that person would represent. So that would be a very unsatisfactory solution, as far as Scarborough is concerned.

Ms. Bryden: Have you been in touch with the School Board, will they have followed the wards that you recommend the municipalities, do they now jive in their boundary, with the municipalities boundary?

Mr. Poots: Yes, we, in Scarborough, we are fortunate in that as much as the School Board and the Council are in the same building. So we do have regular discussions with both, the administrative personnel and the political representatives.

In terms of the answer to your question, is yes, they follow the wards. They are regularly consulted with respect to any change. They agree with the position taken by Council, that is that their Ward structure shall remain unchanged, at this point in time, with the 14 Wards.

And in terms of the, well, basically, they have been consulted and they agree that the process should remain, at this

point, in terms of the 14 Ward structure that we presently have.

Ms. Bryden: How much variation will there be when you retain the 14 Wards in, roughly, what will it range from. There must have been anomalies developed over this time and so forth, so that some may be much smaller than others, then. Do you know what the range of representation --

Mr. Poots: Well, I will ask Mr. Nigh to answer that because he is directly involved in preparing the statistics. So I will ask him that.

Mr. Nigh: The range and the suggested Ward configuration would be from the low 60's to approximately 91,000. The reason for that is that the high growth areas, where you have high growth in the next two to four years, are low at this time.

As an example of what happens, our last Ward in this was in 1982. At that point in time, we had two or three Wards where we knew the growth would be considerable. At that point in time, we had a Ward as low as approximately 20,000, in population. That particular Ward, today, is approaching 20,000.

So we have one or two other areas where the same thing will happen over the next three or four years. And that is one of the principal reasons why the Council could not see a ward restriction at this time in the process because we are very rapidly approaching a mature population.

A complete population, while we will not be there completely within the three year range, we will be an awful lot closer. And what is more, we will have a much better handle of what that ultimate population will be. And that is the principal reason for that wide range, if you want to put it that way.

We also have another ward which has been low for a number of years which has the potential to increase by one third, which potential recognized that in 1982. It has been a little slow to develop but we are now starting to a, really, a redevelopment as opposed to promote the area.

We are now starting to get applications coming in, we can see that Ward quickly increase by one third.

So while, if you will look at the simple figures today, you may wonder why that is 24,000; 25,000. That is the explanation. And all of these things have entered into our calculations and in fact, in terms of the ward, there was a hearing with the Ontario Municipality Board in 1982, as a result of the single objection that we could get. And the Municipal Board accepted our reasons, at that time, and approved the Council's position.

Ms. Bryden: Just to confirm, I think what you said, at the end of the process, you expected that the School Board Ward will jive with whatever Ward the School Board recommended, has

already recommended?

Mr. Nigh: The School Board has already said that they would like us to recommend the existing 14 Wards.

Ms. Bryden: Thank you.

Madam Chairman: Thank you. Mr. Mahoney.

Mr. Mahoney: Thank you.

The issue of the executive committees, I read on page 9 of the Bill, Section 10, sub-section 2, that where it reads:

"The council of each area municipality may establish standing or other committees and assign to them such duties as it considers expedient."

Does that not deal with your concern?

Mr. Poots: Madam Chairman, no, I don't believe it does. The question is as an example, the present time, will the executive committee be able to award tenders. You know, there is some of these administrative political things that are done now really to expedite business of the council and unless it is spelled out in the legislation, the council will not be able to do that just, under just general definition that is here.

Mr. Mahoney: I wonder if we could get some clarification of that. If it says, "that such duties as council considers expedient", why would that not include tender award, if council decided to delegate that authority? Could we get some clarification as to why that would not be.

Mr. Nigh: I think currently, the practice across the Province is that a council can establish committees. Those committees cannot make decisions that are binding on the councillor, so that they would then come with a recommendation. The council then approves that recommendation but it is the vote of the council that counts.

And I think that what Scarborough was asking for is that if they establish an executive committee, that executive committee has certain legislative powers. So that --

Mr. Mahoney: It is similar to the Board of Control.

Mr. Nigh: Similar to a Board of Control where it would require --

Mr. Mahoney: But it would still ultimately, in a Board of Control scenario, you require two-thirds majority, in a Board of Control change, the Board of Control decision, is that not correct.

Mr. Nigh: That is correct.

Mr. Mahoney: Are you asking that ultimate authority be passed to an executive committee?

Mr. Poots: No. The major difficulty with the legislation, at the present time, is the two-thirds that you have mentioned and certainly I don't think anyone supports that principle, that is that you are, that the City of Toronto presently has this legislation and Metropolitan will have it under this Bill. And no, I am saying that that as far as some of these political matters that such as I have mentioned, the Council would still have the final say and the executive committee will only have the same votes on the Council to approve of it.

But I believe that the legislation should be structured to authorize the Council, if they so decide, to give certain matters, certain additional responsibilities to the executive committee to carry out.

Mr. Mahoney: Perhaps our staff can think about that but it seems to me that that is rather, under this Act and the Municipality Act where council would have authority to, in essence, direct the executive committee to deal with certain items. I would be very leery of extrapolating that to the point where council could give an executive committee the authority to make a final decision. And I can see that as a possible danger of what you are suggesting. So may be, I mean I think it is covered, the concerns here, but if not, our staff could perhaps advise us on that.

We had a deputation this morning from North York and one of the concerns specified by one of the City councillors is that authority and power would be taken away from the area municipalities in substantive amounts and given over to the Metropolitan Government. And that in essence, because of perhaps duplications under planning procedures and the planning act -- Municipality Act, whatever, that the citizens under a direct election -- I think I am interpreting his concerns correctly -- might see their Metropolitan representative as a key person that they should be dealing with to resolve matters of concern in those areas, and therefore by-pass the area municipalities. What are your thoughts on that and has your Council dealt with that item?

Mr. Poots: Madam Chairman, I guess in any process of government, where one, where two levels of government share responsibilities and that is really what regional government and local government structure is all about, that there are shared responsibilities. And I believe the possibility exists, as you have outlined it, that then the local council, which is obviously the closest to the people, will have certain defined statutory responsibilities, at the Metropolitan Council, will have certain defined statutory responsibilities and will be able to focus more specifically on those, under this proposal that

you have before you.

I don't perceive that being the case at all in terms of the responsibilities of the local council, they don't change, by this Bill. Certainly, it gives a clear focus in terms of the representatives going to the Metropolitan Council, that is, if they don't have this, these local responsibilities behind them.

So there is no question it will give a clear focus to the Metro members. But I still believe that the local council will have statutory and other responsibilities that it will carry out. And I don't see how it is possible to bypass it, in that context that you have outlined, that is, the local council.

If it is a shared responsibility, obviously it could be a decision made by one level on the recommendation of the other level, the lower level to the higher level, but no, I don't see that as a majority difficulty.

Mr. Mahoney: Thank you, very much. Thank you Madam Chairman.

Madam Chairman: Thank you. Thank you, gentlemen.

Mr. Poots: Thank you.

Madam Chairman: Mr. Newman, you wanted to report to this delegation.

Mr. Newman: Members of the Committee, I just wanted to inform you that I will have to leave the Committee for a brief time for another appointment this afternoon, around three o'clock. I will be back, as soon as I can. The Ministry's staff are here, if there are questions as we go along. The matters of policy, you can save them up for my return or the Minister will be here this afternoon at 4:30. So I will be back as soon as I can.

Madam Chairman: Thank you. Our next delegation is Mr. Dale Rich. We are are running, I will just remind you that we are about 15 minutes behind schedule and we have the other delegations lined up too.

Mr. Rich: Madam Chairperson, members of the Committee, I am the president of the Dover Court Park Resident's Association which is a ratepayers group in the Westend of the City of Toronto.

I have not got my written brief fully prepared yet but I have got some notes I would like to speak on.

I have been following very keenly, the development on the Bill 29, and the proposed development of creating a new type of Metro Council. My interest stems mainly from the fact that I have been working on related issues such as property tax reform,

over the last few years and I think that when the chance came to speak before you, I availed myself of it because I think that what happens at Metro is very important to what happens with property tax system and what happens with taxation in general in the Province, over the next few years.

So I would like to make a few comments on the draft legislation in that regard.

First of all, I support the concept of direct election to Metro.

Now, the legislation has been moved in the context of making Metro more democratic, more efficient, more of an activity orientated body and more accountable to the electorate and also to maintain the stability which we are blessed with over the last couple of decades in Metro.

So the rationale for new legislation has great merit in it. The question is, will this legislation deliver the goods promised by the rhetoric or will this legislation in fact take Metro in quite a different direction, even perhaps in an opposite direction?

To begin with, the legislation is very vague on many important issues. How this later Government will function as opposed to current functioning of Metro, the powers of its members.

The responsibilities of its members are very vague and not made clear. Indeed, many aspects of the legislation seem contradictory to the rationale given for the legislation. For instance, representation by population is supposed to be a mandatory feature. Yet, Toronto and North York representation is this Council and York and East York enhanced. Is this an accident or a weakness or does this have something that has more to it? And you might know that right now, the Province and Metro have having discussions about imposing a market value assessment scheme on Metro, which in fact would take a lot of money from the ratepayers in the City of Toronto and in the center core of North York.

So I think it is important to note that in fact, that the representation from Toronto and North York is less than it should be, according to the population. And that is in East York and North York which would be beneficial to market value assessments, it is in fact enhanced. That is an interesting and perhaps an ironic situation.

Further more, direct election is supposed to be a guiding principle and yet the critical position of the mayor will not be subject to direct election, coming back to contradiction, that should be explained.

The new Metro Council is supposed to be a Council of

politicians who are devoted, full time, to Metro issues. Yet six positions are reserved for mayors and we know these mayors will be figureheads, at best. So they will show up to vote and there would be nothing else.

So I think there is weakness there in the rhetoric behind the rationale. This way of government is supposed to be more accountable, yet constituencies of 75,000 to 80,000 are to be created. These are huge constituencies when you consider it. Larger than provincial constituencies and most of the provinces in the Country.

This means, for instance, that only candidates of the three major political parties who are candidates supported by the developers lobby, should ever hope to get elected.

Similarly, the upcoming draft legislation on election spending limit, which is a separate piece of legislation has been proposed that will allow spending of \$40,000 to \$45,000 per candidate. I mean, is this accountability? I can't believe that at the local level that anybody other than, as I said before, supported by the developers lobby or the three parties, could ever hope to get elected.

Furthermore it is not clear if these Metro politicians are accountable to the local electorate or to some amorphous Metro-like constituency, that is the press or whatever.

Accountability to me means local accountability. We have a right, as ratepayers, and residents of the City, to expect our politicians to defended our local communities and neighbourhoods, first and foremost.

Furthermore, how can this legislation create stability, when the legislation which has been drafted presented and passed, all in a matter of two months, and in another two months, the boundaries will be set, for the next election? In other words, over a period of four months a strictly short period of time, some public notification, this legislation has to be through the legislature and in fact, in place for the fall election.

It is interesting to note that there is ample provision in the legislation for future changes to the electoral boundaries. In fact, this will become the responsibility of the Ontario Municipal Board.

Is this legislation, in suggesting in fact that these boundaries are going to cause such huge problems, that they will be no good for ensuing elections? In other words, are those boundaries existing for one election sort of thing and there will be such inequalities and inequities and problems with these boundaries that there are going to be wholesale changes? That is what the legislation sort of suggests.

So I would suggest that there is a question of stability

here. This in fact is going to lead to instability, enhancement of your electorate process in the Metro or is it going to lead to huge problems? And really a question of the whole electorate process.

How can this legislation be considered democratic when local politicians themselves would decide on the electoral boundaries? And this is a point that came up at the hearings at the City of Toronto held last week. And it is a great concern to many residents of the City. Is this not a huge stepbackwards to have politicians determining our own boundaries? Do you not, at the federal and provincial levels have independent boundaries commissioned? Accept the boundaries and recommend changes to it? I really think this a serious problem with this legislation and I really think that gerrymandering has become a factor once again with municipal elections.

And I might add that no matter what happens in the city of Toronto - I don't know what the situation is in the burroughs - no matter what happens in the city of Toronto, not all of the politicians are going to be guaranteed to take seats. So, that you are going to have a lot of people questioning the validity of the selection process.

You are going to have a lot of people questioning that as soon as those boundaries are decided that you are going to have a lot more questioning after the elections are over because this is going to stink of gerrymandering already.

My final point here relates to the mandate of this new Metro level of government. Will Metro politicians be paid \$60,000 a year or so and spend up to \$45,000 on election campaigns to deal with the business currently on the Metro plate? Does anybody really believe that they will not start to interfere in the matters supposedly that are the domain of the local councils? Will we not end up with the kind of situation that we had in Winnipeg between 1960 and 1971 which, in fact, led to the paralysis of that level of government and its abolition? Does the government not have a secret agenda, a second stage which deals with critical matters such as land use, zoning and planning and development handed over to the Metro level?

Will the hijacking of Toronto's planning prerogatives at the Harbourfront be extended on a much broader basis? This legislation and the indecent haste with which it has to be put into a certain context, it is not coming in a vacuum.

It seems to be connected to a package of sweeping, indeed, revolutionary reforms that the Provincial Government has for Metropolitan Toronto at the municipal level.

These include the market value reassessment scheme, currently debated at Metro.

It also includes and more importantly, the proposals being

proposed by the interministerial Task force on the financing of education, and the MacDonald Commission, which recommends how to finance education. This is, particularly the pooling of commercialized assessment. But the proposal is that the Province would in fact take over the function of setting a mill rate in the commercial assessment. That is, they are going to take over the commercial assessment based on the municipality.

Is there not some connection here, between this Metro proposal, between this new layer of Government and in fact the sweeping changes that the Government is also going to be proposing.

Now these changes have not been made public yet, they will, I gather, be made, these recommendations, regarding the MacDonald Commission, in April. But I think there is a connection, I think you could make a pretty good argument that there is a connection.

And I really wonder if this legislation owes as much to the stated goals, of bringing about a more democratic, efficient, and accountable Metro as it does to the other types of sweeping changes that the Government has, for Metropolitan Toronto.

Now, just in conclusion, I would like to make a few remarks about what I think the Government should do with this piece of legislation.

I am tempted to suggest that the whole thing should be jumped but considering the situation in the Legislature, I would like to take a different tack. I would like to, through my support to the amendments that the members of the Tory Caucus would be moving to the legislation, at least three of them, in particular.

First of all, I think the joint seat option we have, from the City of Toronto, we have direct election to Metro. This is something that seems to totally slip by everybody's consciousness, here. We have a very effective direct election for Metro in the City of Toronto right now, where we have a person that runs for the Metropolitan seat and looks after Metro responsibility. And most people claim now that they do not have enough to, but they also have responsibilities at the local level. But I think that we should look at that type of a model as a model for North York.

I realize there is problems in burroughs that have Boards of Control because there is whole areas of burroughs that end up without any representation, direct representation. But I would suggest that you take a look at the type of joint, joint type of representation that we have in the City of Toronto. And I think I would certainly like to support the proposal that this whole legislation be not inactive for the 1988 election, the 1988 election should be put off until 1991.

And I think you should seriously look at, if you are going to make it proportional to the population, you should make it proportional to the population and it should be fair to everybody and not discount the City of Toronto and North York. And Phil Ebert, who is a ratepayer in the City of Toronto, has submitted a brief to this body, which you will have access to, in which he outlines a new proposal. The numbers that would make it proportional and also by the way he would make sure that there is an odd number. Because if you are asking for 34, you are asking for a lot of trouble because you might end up with a lot of ties. The tradition is that you have an odd number so that you have a tie-breaker there.

So my three proposals then are that the legislation be put off for enactment. That we base it on the type of joint representation that the City of Toronto has, a joint seat option and that it be based on real proportional representation. And that most importantly, there be an independent electoral boundaries commission set up.

And I think, I think really that we don't have time to do this before this next election. And I think you know if we want to make sure that this election does not start to sink in the nostrils of the electorate in the City, in Metro, I think we should do things properly the first time and that is let us not just ram this thing through the House and go ahead for the fog. Because there is not time to do it properly. It is as simple as that.

If we want to have a democratic - a new layer of Metro Government that is democratic, accountable and efficient, then it should not be rammed through in such haste. And thank you very much.

Madam Chairman: Mr. Rich, thank you. Mr. Cousens.

Mr. Cousens: I very much appreciate the kind of research and concern that has been shown by Mr. Rich in his presentation and I really, when you talk about the huge problems, around the boundaries and the confusion that will take place within the whole of Metropolitan Toronto, you said at the end, it will start to sink in the nostrils of the electorate. I think it was apparent that you are worried about how it is going to be interpreted by the electorate, when they start to see what is happening?

Mr. Rich: I guess one of the concerns that some of us had is that most of the people in Metro do not understand what is going on in this Committee, in the Legislature. And the speed at which it is going on.

Mr. Cousens: Can you just, from your own experience, give us some insight to some of the types of problems that you think could take place? I think that you are showing us a very genuine concern and worry, and I think that we are all, in this

Committee, do you want to expand?

Mr. Rich: Okay, well, I didn't attend the hearings at the City of Toronto last week because I decided to personally to boycott the whole process because I think this whole process is wrong, at the City of Toronto. It is right to come here and propose changes. But I really think that the City, what the politicians at the City have done is they have all been running around like chickens with their heads cutoff looking for a safe seat in the next -- this fall. And they haven't dealt with the overall impact of the legislation.

And they have all been trying to make deals with each other just to save their neck, to save their seat. But the simple fact is that a few of them are going to be losers and there are no safe seats for everybody.

Also, we are going to have more politicians in the City, and another stated aim as to the question of reduced costs. But we are going to spend a lot more money to elect a lot more politicians because there is going to be two City representativess for each Metro Wards. We are going to have 24 Mayors instead of only 22.

So there is going to be losers here. There is one proposal, for instance, that creates, that is supported by a certain politician in the westend that creates a long spaggetti strip riding and that runs in the Lake right up up the City limits in the Westend. Which takes us back to the old gerrymandering ridings of 20 years ago. Now, when the City is all used to the strip riding, we went to the block riding, which was a big step forward.

Now, there is, this is happening in other parts of the City as well, which I am not too familiar with, but you know, there are two proposals. There are actually four proposals but there is really two proposals, and one which is proposed by the City Clerk and one which is proposed by other politicians. And unfortunately they are lining up for one or the other.

Now, whichever one wins, the other people are going to be very disgruntled and I think that you are going to say really a lot of hot air and whatever you want to see about the proverbial matter, hitting the fan, you know, when those boundaries are adopted by City Council. I guess it has got to be 60 days from next week, right.

So when this happens, then you are going to see a huge out-pouring of abuse then. But when the election is over, then, you know, but there is, everybody is still going to be jockeying for it. But the point is that, you know, none of the politicians in the City have really addressed themselves to the problems in this legislation. It only came out in this legislation, in the hearings last week. And I thought that a few of the ratepayers like Mr. Ebert and others and Ila Bossons

from the annex -- and there really is a lot of concern in the City, amongst ratepayers, people who have been relatively benign about the proposal. But once they start looking at it, they are starting to get a little bit worried.

Mr. Cousens: Thank you very, very much.

Madam Chairman: Thank you, Mr. Cousens. Mr. Mahoney.

Mr. Mahoney: Thank you. There is no question we understand where Mr. Rich stands on the matter and that is appreciated, your points were very clearly put.

Do you have any concerns, Mr. Rich, about the fact that the City of Toronto would appear to be losing four members on Metropolitan Council under the new system, is that part of what, might concern you?

Mr. Rich: I have concerns in two regards. First of all, as I stated from a proportional point of view, we have not been given what they would do to us, okay. And this is, this can be documented that according to proportional representation, the City of North York are being cheated here. That is the first point and I think I can document that. Mr. Ebert will be submitting this brief which documents that the City of North York and the City of Toronto are being cheated. And East York and York are getting more than they deserve, because of the way the Mayors are thrown in there, are the extra members, you see, it is the way it works out.

Mr. Mahoney: If we analyze this and the presentation we received this morning, Madam Chairman, which you don't have the benefit of having from another citizen, Mrs. Bossons, she outlined this rather interestingly for us.

Mr. Rich: There is the same, I believe it is the same data that Mr. Ebert drew up.

Mr. Mahoney: Yes. So North York, on a percentage is 8.8 and and if you were to round that up, I suppose it should go to 9.0. The legislation is providing for 8.0. So they are rounding off down rather than up. And I grant you that that reality is there. The same thing is true in Toronto, on a percentage basis, it should be 9.5 sitting members for the City of Toronto and they are rounding it down to 9.0. But I guess my point is to suggest that there is some outrageous imbalance where it is perhaps not quite accurate. There is definitely a rounding off factor that has been used. And they are moving in from East York, they are moving from a 1.6 ratio to 2.0. So they are going up in some, and down in others. But you know, it just so happens that they are adding four members for one and it is a percentage game.

Mr. Rich: But you know, if you were involved in this debate in market value assessment --

Mr. Mahoney: That, I have been through it, sir.

Mr. Rich: There is going to be a Metro Council on the 29th of March and every vote counts, every vote counts. So you know, when you talk about a vote extra here and a vote from there, that is not the substance of my argument, okay.

Mr. Mahoney: If I could just come back to it, from what I hear, it seems to be the substance of your argument. Is it not your real concern that the City of Toronto is losing, in essence, its ability to control Metropolitan Council that it has now with 12 sitting members, under the new legislation?

Mr. Rich: No, I don't think I am prepared for the concept, a Government based on proportional representation, I think that is fair.

Mr. Mahoney: So if that is the case, I assume you would be prepared to support revisions to this, if we were to increase North York from 8.0 to 9.0 and increase Toronto from 9.0 to 10.0. And make the appropriate reductions elsewhere, such as putting East York down to 1.0, that kind of thing? Those are the really fairly minor adjustments, to determine one vote here and --

Mr. Rich: That would deal with that aspect of my criticism.

Mr. Mahoney: Thank you. Do you have any concerns about the fact that perhaps a local municipality is controlling the Metropolitan Municipality, the regional Municipality in the sense that 18 votes are needed to, in real terms, assuming that you have a hundred percent attendance at a meeting, which has been indicated as not the case, in reality, we would say it is not the case. But 18 votes are all that is really needed to in fact control Metro Council. And Metro or the City of Toronto has 12, I think Scarborough has 6, do you have any concerns that elected officials, primarily concerned with their electorate back home, in making their decisions, might simply defer matters of a broader scope, a regional scope, back to the area municipality for their deliberations, before they make a decision? Do you follow what I am getting at, the old tail and the dog routine?

Mr. Rich: I really, I don't think I am in a position to answer that question. I would like to but I am not that familiar with how Metro works and you know, how exactly that problem is solved, currently.

Mr. Mahoney: I have served for nine years as a member of the Regional Municipality of Appeal and there are three municipalities. And what happens, often, often, is that one municipality will stand up and line up a vote here there and the other and say, look, we don't like the fact that you are going to make this a regional road. We want to refer it back to our

area municipality, where we are voted in, because we are voted in at the area municipality, not the regional municipality. And therefore you tend to look at it from a very parochial point of view.

The same situation, I submit to you, occurred with Metro on numerous issues where the parochial issues take precedence over perhaps the good of the overall region and under the present system.

Mr. Rich: I think you have to be more specific in terms of an issue, okay. Because you raise a good point but it is so general that I don't see, in Toronto, that there has been in Toronto, a historically, in Metro, has been a voting block of Toronto, voting against everybody else. What we had, we have agreed with the property tax issue, is we have had a voting block develop between Toronto and North York against everybody else and that may be truer colours.

But I don't think that is the case in most issues, over the last. I think in Toronto, you know, you have a lot of different interests in the Council there. You have different blocks, two, three or four different blocks and they tend to ally with different blocks in the burroughs. So I don't know if that has been the problem. You think it is or not, to tell you the truth.

Mr. Mahoney: I don't have to get into it and I don't have the data in front of me to give you specific issues. I can tell you that it has occurred, on a fairly regular basis. I even get into transportation issues and everything gets referred back to the local area staff for reports, and the regional staff in this case, Metro, almost simply readers of local courts rather than looking at it from a broader point of view. And I just wondered, if you might have thought about that and had any concerns.

The issue of the reassessment, of course, clearly is one that you have prescribed accurately and the people in the other four Municipalities are being burdened greatly at paying more taxes than they should pay. So you have got a block that has occurred. Well, they simply are, that is not a political statement, that is it a statement of reality, under reassessment. And they don't know they are paying more than they should, so they are not rising in the way that they perhaps would if they understood.

The issue about gerrymandering boundaries, I think you raise some good points. How would you see, if a commission were established, how would it be set up and who would make up that commission, who would appoint those people?

Mr. Rich: Well, I guess I would use the provincial and federal modle, probably, as the basis. I am not too familiar with how they work. I did give a deputation once to the Ontario

Boundaries Commission before the previous election. But it seems to me there haven't been too many complaints about how that system works, but I think it is, I guess, is it some sort of Order in Council, appointment?

Mr. Mahoney: All right, I am not so much worried about that. There has been a lot of problems with those and my concern is that if you, if you want one that is truly independent, that is going to look at it in a generic sense, I am afraid the only way to accomplish that is go outside of the community; outside of the community of interest that may exist, to make those decisions. And once you do that, you lose the understanding of the community, to understand that perhaps a river is important as a boundary or a road is important or a particular community should be held together. And you lose that knowledge of the community, through a commission. And I just wondered if you had thought about that or had any concerns?

Mr. Rich: I felt that with regard to the Province's own commission that our concerns were listened to and heeded. I gave you deputation, I had a particular concern regarding my community and seeing that it was not dismembered in the restriction. And in fact, that took place.

There were changes made a couple of times, in fact in the original draft, as you might remember, if you -- and my particular concerns were heeded, but whether that was conscious or not. But I certainly had no complaints with the way that process took place.

But I think it is clear, it is clear that politicians should not be setting their own boundaries off. Specially if they are applying to run in a few months. I mean that is really beyond the pale, these days.

Mr. Mahoney: Thanks. Madam Chairman, just one final comment with regard to rushing it through. There was a report commissioned in 1976, headed by former Premier Robarts, which recommended direct election and similar comments in 1986. Ten years later, a Task force did the same thing. There has been all kinds of consultation.

Now, we have all the documentation here, between the various municipalities involved, at the local area and Metro and the consensus we have been hearing up to now, Mr. Rich, has been that it should go into the 1988 election. And I wonder why it is you feel that it is being rushed. And it has been around for 12 years, it has been a big issue for 12 years.

Mr. Rich: Well, it certainly was not a big issue in the last election campaign, with any department. It was not an issue at all. We never mentioned -- there really is no mandate. I would argue that in fact this Government has no mandate to make such sweeping changes in such a short period of time.

And it it seems to me that Metro has managed to survive for the last few decades fairly successfully. And quite frankly, I mean I have been reading reports and commissions and following the debates. I really don't see what the urgency is that would require such a hasty process of, you know, from the time that the legislation is announced to its adoption, it is going to be what, ten weeks.

Mr. Mahoney: It is ten years since the issue has been discarded. We discussed that. I don't think, anyway, I appreciate your comments, I think your presentation was very good.

Madam Chairman: Thank you, Mr. Mahoney. Mr. Black.

Mr. Black: I also would like to congratulate Mr. Rich on his presentation and I understand where he is coming from. Like Mr. Mahoney, I have some concerns about your comments about great haste. I recognize on the basis of the performance of some governments that we have had in Ontario, that this may appear to be done in great haste. But pretty well all the details of this legislation were outlined in the analysis and options for the Government of Metropolitan Toronto reports they released over 15 months ago. That report has been in the hands of the municipalities and Metropolitan Toronto for study, and they have responded to it. 15 months of advanced notice does not seem to me to be great haste.

I just wanted to make that observation.

Mr. Rich: It was news to me.

Mr. Black: It was reported in the Toronto Globe and Mail on November 1, 1986. Mr. Goodman's comment, headline report, proposed options for reform of Metropolitan structure, November 1, 1986. That is 15 months ago. So it is not new legislation. It is not new positions that were dealt with, not a new position, sorry. We are moving rather quickly by some standards, I recognize that.

Ms. Marland: I too wish to acknowledge Mr. Rich's contribution and wouldn't it be wonderful if we had more citizens, on every subject, who followed it with the kind of diligence and commitment that Mr. Rich obviously has done. And he has become very well informed and I am very impressed. I am not saying that I do concur that although the subject has been in review, for ten years, and although there has been an absence, last year, and although the Minister's executive assistant told us yesterday, that there were no surprises in the Bill, vis-a-vis the Task force report. In fact he said the essence of the Bill was in the Task force report on analysis and options for the reorganization of metropolitan government.

In fact, until you get to the point of the legislation, and you study it against the report, which couldn't be done until

November 23, and when that was done, you would see in fact that the Task force was not asked to make recommendations. And I am quite sure that Mr. Rich is aware of that.

So although there was an analysis done and now we have a Bill, it does not represent that what the Task force report said, in one particular area, because that was not, that was not the mandate of the Task force.

So I do support the comment, Mr. Rich, that you are making, about the rapid expediency at which they suddenly have to be dealt with. And I do not appreciate, well, I do not, I find the best way these committees work, Madam Chairman, after a lengthy three years experience, is that we all try not to make partisan comments but rather constructive comments. So I will refrain from doing that.

Mr. Rich: You are president of the Dover Court Park Residents Association?

Mr. Rich: Yes.

Ms. Marland: Did you receive notice of this hearing through that position?

Mr. Rich: Yes, I received a mailing, I believe, from the assistant clerk.

Ms. Marland: Now, you have been active with that Association for quite along time?

Mr. Rich: Yes, quite a few years.

Ms. Marland: Through your experience, with the Residents Association, would you think that having the Bill in its present form, at the end of November and now debating this, albeit, after Christmas, at this time, would give most residents associations enough time for the, or whoever received the mailing, to go back and hold a meeting with the community representative. And then for the executive, perhaps of those associations, to hold a public meeting and for it to be fully debated and hopefully understood for comment and then be prepared to come back before a legislative committee?

Mr. Rich: My only knowledge of the Bill was, really, other than I saw the notices in the paper, that the Bill had been introduced. But I didn't really realize. My concern of the Bill grew greatly when I had read the Bill and realized that what it consisted of and what it didn't consist of and that was what, two weeks ago. So obviously, it would be impossible to notify our members of anything like that or consult them. So I just, I am here on my own, basically, because it would not be possible to have any kind of a serious discussion.

The politicians sent out letters but it was only in regard

to their particular interests as to one proposal in Toronto or the other. They had no interest, as I said, in the actual draft legislation. They accepted the thing as a 'fait accompli' and there was nothing to be done.

So we did not get any direction from the local politicians, in that regard. So we are on our own and I am glad that at least a notice was sent out to the ratepayers's groups. So I was made aware of it, at the committee hearings. And so then I got interested. And then when I read the legislation, I got more interested. But this certainly was no time to consult anybody.

Ms. Marland: So your experience, based on your position with the ratepayers group would in fact have been that you would have preferred to have more time, once the legislation was tabled in the House, and --

Mr. Rich: And particularly, when it is introduced just before Christmas and then a month after Christmas, you find, 'slam bang', the whole thing is going to be history. I mean that is, and you really have to be wondering about that timing, you know, because we know that the, there are certain grades, like the summer is one, and the timing of the election as we know last September was not very good.

I mean if you want to promote the democratic process, and this is also not good, when you start coming before Christmas and finish it just after. There are certain natural breaks in the political, sort of, level of activity, you know, when you start just before Christmas and end afterwards. Well, you are creating a situation that there is almost impossible to get any real input.

Ms. Marland: So what you are saying is that although we have invited the ratepayer group to make a presentation, in the practical sense, it really only means the president because there is no time understanding, throughout that, those memberships to have public meetings and explain to them what the legislation is about and have their comment and input back.

Mr. Rich: And if the City had not had those hearings last week, I mean Ila Bossons would not have come today, for instance and Phil Ebert probably wouldn't have made his brief here.

So if it wasn't for the fact that the City has hearings, nobody would have known, you know. So this whole process here, you know, I would question it to a certain extent because it is certainly not promoting involvement or consultation or anything like that. Makes it very difficult.

Ms. Marland: In your position, you have worked with all levels of government on the issues for your community, I am sure, in the past?

Mr. Rich: Ye

Ms. Marland: Could you think that there is anything more important to the people that you represent than the execution of a democracy to properly elect a system of properly elected representatives at all levels of government?

Mr. Rich: Well, of course. I mean, elections, you know, let's face it, this system, the only way you get to exercise your franchise is to vote every few years in an election, really, if the system does not really involve participation in any real form other than that.

So those elections are pretty important, that the elections be done properly and that they be democratic and fair. And I think, you know, I guess the point I am trying to make is that there could well be a question mark about the validity of this election next fall. I mean in Metro. I do not know if any people are suggesting, it seems to me, like I said, there is going to be a lot of people, in two months, there are going to be a lot of people in the City of Toronto, pretty upset. I do not know about the other burroughs. Because as I said, there are going to be losers. But after the election, when people realize what it takes to run in a 75,000 seat constituency, it is a lot different than a 40,000 or a 45,000 seat constituents which we have now. And I guess there is certain inertia, with the members of the political parties which we have, we have three in the Legislature. I guess, there is a feeling from members of all parties, well, you know, we have party machines already set up and we will be able to wind them in together and we will all end up with a piece of the action.

But I can tell you, in municipal politics and I am a person who has in fact been in the past, been a partisan of party politics at the municipalities level. I still am, in a way, but municipality politics, let me tell you, party politics is not established and certainly, not in Toronto. And you could end up with a real backlash at the grassroots level, against the whole political process; at the municipalities level, because what you are going to get is you are going to get a, it seems to me what this legislation means is the political machines are going to take over and and you are going to get a lot of resistance to that. And when the results come in, you could have a lot of disillusionment. And you could have a lot of grassroots type of disenchantment with the whole process.

So I really think that this type of an election raises question marks about the whole electoral process. I think we really should think about these things. I know that it seems to me that there is a steam roller here that this legislation is going to be in the book in another week or ten days. But may be some more thought has to be put into it because I think there is a lot of some really serious problems with this legislation, that are just coming to people's attention, at least, in the City of Toronto.

Ms. Marland: One final question. Based on what you have just said about the elections this year, would you think that that will only be more emphasized, the situation that you have just described, that that situation could be more emphasized, be a bigger problem, specially if the Metro elections were to follow a federal election, in terms of, however this whole new system is being introduced in Metropolitan Toronto, with what would be automatically a low voter turn out, following a federal election.

So therefore, the whole process will not be, the concerns that you have just expressed will probably be exaggerated even more so by the timing of this year's Metro election as opposed to --

Mr. Rich: Yes, it appears that the federal election next fall, well, federal election next fall, same time, that is going to be a real mess. Sure, no matter what. So let's hope that the powers of being in Ottawa, either this spring or wait for another year or whatever, but yes, with all the uncertainty and confusion, regarding this new way of Government and I think there is going to be a real god fighting for these seats. And there is going to be people crying that the process is gerrymandered and fixed. Like I am here today but I won't be running, so I won't be one of them, but I think we could be in for some real problems.

I mean the whole idea of this legislation is to strengthen the Metro Government, to strengthen it, to make it more efficient and better. And if we come out of the situation where the whole thing gets sort of soiled, it could, you could end up with, you know, some real centrifugal sort of strains in Metro.

You could end up blowing, I could see the whole thing blowing apart. This is something, may be I do not want to sound too radical or anything, but I mean I could see it. But if you combine that with some major changes and in property tax reform, you know, with commercial pooling and with market value reassessment, I mean I could see the whole thing flying apart.

And this is something, because you know that you do have, you heard a lot of animosity blowing up. For instance, you know, it was a property tax issue, particularly between Scarborough, I guess, in the one case and Toronto in the other, I suppose, but I mean I could -- and you do have the polarization, that could be, that could be magnified by this whole new confusion around this whole new level of Government.

So instead of strengthening and stabilizing and making it more stronger, more efficient level of government, you could end up blowing the whole thing. And this is something, I know it sounds a little bit extreme now to say it, but I mean it is something that I think is not beyond the bounds of possibility.

Madam Chairman: Thank you, Ms. Marland. Mr. Faubert.

Mr. Faubert: Mr. Rich, I appreciate your interest in appearing before us today, but there is one thing that bothers me about your presentation and that is you indicated that you felt that there was some sort of a conspiracy related to, by the City of Toronto, related to the ward boundary?

Mr. Rich: Conspiracy?

Mr. Faubert: You said that they have now set it up. There is a serious gerrymandering and you are concerned about the proposals being put forward and in the end, you boycotted the hearings by the City of Toronto.

Mr. Rich: It is a strong word but I just did not go.

Mr. Faubert: Okay, that is not going, but I am a little mystified as to why you did not go. You obviously feel very strongly, you have some very strong views about the proposals that were put forward and why you did not go, because what was being put forward are only composed by the City and then approved by the Minister. In other words, you should have known, actually, at that point, put your concerns on the record and I am just wondering why you felt it would not do any good to put it on the record at that time?

Mr. Rich: Right, it was clear what that forum was. The forum was to advise whether or not you supported this proposal or whether you supported that proposal.

Mr. Faubert: Right.

Mr. Rich: I do not support any of them, I think the whole, you know I am opposed to -- the way this whole, the way this thing has been going about and I think what the City politicians should have done is to refuse to comply to tell you guys, sorry, we are not going to accept this 'fait accompli', and that we want something better. And that is why I did not go. Because I think there is severe problems with this whole process.

The lack of clarity in the legislation, the contradictions in the legislation, the speed with which this thing is going through and all that, I really have question marks about the whole process, and the fairness and democratic character of the whole process. And for that reason, I decided to come here with my concerns, rather than the City. I do not think the City has the right attitude, at this time.

Mr. Faubert: That is an interesting proposal.

Just one last thing. It appears, in response to questions by Mr. Mahoney, you said that you voiced concern that the City of Toronto is using its historical control of Metro, but that was not the essence of your arguments and yet may point to that,

is that your concern?

Mr. Rich: I do not think the City has control of Metro. I think that is a ridiculous proposition to make considering what has been happening is that the votes that have taken place at Metro and the alliances that have been formed at Metro, I do not think that the City controls Metro. I am not defending the current system either, I do not think I am prepared to.

Mr. Faubert: Right.

Mr. Rich: Proportional representation, I believe that is correct, I will support that.

Mr. Faubert: You do not support the present system, you do not support the legislation, clearly.

Mr. Rich: I would prefer the status quo over what I see could be the result of this legislation, but if you ask me whether I prefer the status quo or this legislation, I will go with the status quo.

Mr. Faubert: Okay, thank you.

Mr. Rich: There is no question about it, but I am not defending the status quo, particularly, either.

Madam Chairman: Thank you. Mr. Farnan.

Mr. Farnan: I have some sympathy with the Government when you criticize them of haste. You know, I think no matter what we come up with, ultimately you have to put it into practice and see how it works out. And it has to be very disconcerting and confusing for the Government to be accused of haste because most of the time people are saying, you know, when are you guys going to do something. And here you are saying, here, do you want to do something and you say you are going too fast. This could really make these guys mixed up, the kind of conflicting messages that they are receiving.

May be there may be something in your position, is it possible that this Government is desperate for something to bring forward? That this might be the rationale for pushing on this so fast, that what they have put forward today has been a fiasco, things like Sunday shopping, and things. They better get something on the record.

Mr. Black: We do appreciate the compliment, Madam Chairman, but I --

Mr. Farnan: I think the question has been asked, Madam Chairman.

Mr. Rich: I really do not know what to say to that question Mr. Farnan. I think, I mean there is all kinds of legislation

that is needed that they can bring forward, whether they are desperate for this, I really do not know.

Mr. Farnan: You think there is more important legislation, right now.

Mr. Rich: I think the legislation, well, more important, I think this is extremely important legislation. But I do not like the tenor of it. I think there is other important legislation, as I said, regarding municipality affairs, the MacDonald Commission recommendations which will be coming forward in the spring, which are revolutionary, yes, in a sweep. They are probably more important than this, I guess. But in a sense, may be what I am arguing is that perhaps this particular legislation is tied in to other pieces of legislation that the Government wants to introduce at a later stage and perhaps it is setting a stage for something else. And perhaps the Government has a timetable and they do not want to show all the cards, I do not know, I really do not know.

Madam Chairman: Thank you. Mr. Rich.

Mr. Rich: Thank you.

Madam Chairman: And our next delegation is Mr. Geoffrey DeSilva, of the Metropolitan Toronto Committee of the Communist Party of Canada. Oh, just one point, before you commence, Mr. DeSilva, the reports that were referred to by Mr. Rich, as the position paper, from Mr. Ebert has not yet been received, just for clarification for the Committee. Mr. DeSilva.

Mr. DeSilva: I have some copies here that I was instructed to bring.

Madam Chairman: From yourself?

Mr. DeSilva: Yes.

Madam Chairman: All right.

Mr. DeSilva: The submission I am making today, Madam Chairman, is, our submission, it was made last week, Wednesday evening, to the Review Committee at the Toronto City Council. And so this is basically a copy of that submission that was made. And partly, I think that would be an appropriate place to make it, first of all, because our view is that the City of Toronto should have been given the list, first of all, to discuss this question fully and that it should not be coming in as a kind of a dictat from the Ontario Government.

In the submission, the Toronto Committee of the Communist Party welcome this consultation process. However, the small number of submissions, is evidence that we are only at the beginning. Over two nights of submissions, at Toronto City Council, may be there were about 25 to 30 submissions in total.

We feel national proposed changes for direct elections should not be implemented for the 1988 elections. More citizen input is necessary.

Direct elections is not simply a structural reform. This change could have major political implications. Our concern is not confined to how Metro councillors will be elected. Just as important is who is elected.

Structural and political factors are interdependent. Toronto is facing a number of urgent problems. These are homelessness, growing poverty, the lack of affordable housing, racism, traffic congestion and as always, more taxes. Any structural reform has to start with these issues in mind. How can structural reform help in the resolution of these problems?

We are aware that the Toronto City Council feels obliged to carry out this dictat from the Provincial Government and many of the other city councils as well. There is another option, and we are urging the Toronto City Council to do this, call for a delay in implementation and organize neighbourhood meetings where citizens can be educated and give their input. We need more grassroots involvement in civic affairs. The local Government is closest to the people. The future of civic Government in Toronto calls for councils to be more responsive to the needs of its residents. If I may say so, we need more made in Canada, or made in Ontario, perestroika.

The answer of such grassroots participation could be the strengthening of the two-tier system of governments in Metro or the even amalgamation, but we feel that before any kind of decision can be made, three major issues have to be addressed.

One, with an evergrowing number of complex and costly services, what reforms are needed for the financing of civic governments?

Secondly, how can civic governments win constitutional status as independent political bodies with full autonomy in the matters of property assessment, property taxation and service to property?

And thirdly, what changes are needed in the relationship between Metro Council and the six City councils? A clear outline of the rights, duties, and parameters of power. Financial, administrative and democratic factors will have to be addressed in regards to the division of responsibility between the two levels of Government in Metro Toronto.

If these questions are not addressed, first of all, direct elections can lead to more confusion. There is already enough ambiguity between the role of a councillor and an alderperson. This could aggravate the discontent towards civic Government which many Torontians feel.

This is why we call for more study with citizen participation from all over Metro. Such a proposal may not be to the liking of the aggressive developers. They are a small but powerful minority who want to directly elect a large majority of Metropolitan councillors who will be pro-developer and members, most likely, of the Conservative and Liberal Parties.

The 1988 municipal election should have, as its focus, the election of politicians who will carry out concrete programs to build more affordable housing, create jobs, reform the tax system and expand community services, and those service directly connected to property. During the election campaign, direct elections can be an issue. With all candidates having to face the voters and give their opinions on such questions as:

Is direct election a backdoor manoeuvre to implement market value assessment?

How will direct elections ensure that neighbourhood interests will be protected from huge development projects, traffic congestion, pollution, et cetera?

Will the secrecy in many Metro Council deliberations end? And will direct elections help to bring about a made in Toronto glasnost in Government?

Is this another step towards amalgamation? What would be the benefits? Will it help to expand municipal services and improve their coordination? Will it mean a more equitable share in the cost of services?

Wouldn't large Metro wards, with over 70,000 voters, lead to more alienation among people? Wouldn't it lessen the possibility of community activists running for office? Will this lead to party slates, because of the huge finances needed for a metro campaign? Does the nature of civic affairs in Canada lend itself to Government by political parties?

After direct elections, what is going to be the relationship between the councillor and alderpeople in that particular Metro Ward? Suppose they are officially representing three different political parties?

Will there be a need for special committees to ensure citizen input into policy-making on matters such as zoning, parks, community centers?

How will direct elections affect the relations between Metro Council and Provincial Government? Will direct elections enhance the financial independence and political sovereignty of Metro Council of Metro Toronto?

Could direct election lead to greater control of Metro by politicians who favour the interests of aggressive developers at the expense of small business people, home owners and tenants?

Will it mean more bank towers and more food banks?

It is obvious that more time is needed when one considers the consequences of direct elections. Rome was not built in a day. Why the rush for the 1988 municipal elections? Direct elections could be an irreversible process. Let the people decide, after a debate, during elections and through grassroots consultations. If not, we can unintentionally bring about the decline in one of the most vibrant urban centers in North America?

Thank you for your attention.

Madam Chairman: Thank you, Mr. DeSilva. Are there any questions?

Mr. Faubert.

Mr. Faubert: One observation, because Madam Chairman, because Mr. DeSilva raised a point that was raised by the previous delegate, and that is that somehow 70,000 population as a ward is too expensive and too large to run.

Just for information, I ran in over 72 square miles, the population was almost half a million. Indeed, winning campaigns for four times for approximately \$25,000 a campaign. I do not understand how everyone keeps saying that these somehow are going to be prohibitive from a cost point.

Mr. DeSilva: I think the question really is the nature of civic government and what people want from their civic representatives. And if people who live in the neighbourhood are first of all concerned about the protection of their neighbourhood, then they want a representative that is acceptable, available and can meet their concerns on a daily basis, which is different from the provincial or federal levels of Government. I know you are talking about in Scarborough.

Mr. Faubert: Yes, but for interest, I ran on that basis.

Madam Chairman: Thank you. Mr. Mahoney.

Mr. Mahoney: I guess I am a little puzzled as to how, I assumed, as most of these questions that you have asked, Mr. DeSilva, are rhetorical in the sense that you are presuming the answers to them.

Mr. DeSilva: Not necessarily.

Mr. Mahoney: Well, in a question like will the secrecy in Metro Council end, I do not see how direct election has anything to do with that. If a local municipal council, and I have experienced that criticism throughout the Province for years that the minute a local council or regional council goes in camera, somebody out there cries secrecy and says that decisions

are being made behind closed doors. So I think that is more of a local issue that the ratepayers have to deal with at election time, regardless of how they are voting or who they are voting for.

Whether or not it is direct election or not, Government should be done in the open, except for the matters under most municipal councils that I am aware of that deal with property matters or personnel or legal matters. Any one of those three are usually good ground to move into camera. Other than that, you deal with your business in the public. So I guess I fail to see what that has to do with this issue.

Mr. DeSilva: Well, what it has to do with, Mr. Mahoney, is that direct elections are being advertised as bringing about more democracy in civic Government. And the question then is asked, if there is a councillor that is directly elected, will that bring about the change in how the councillor addresses certain issues. Metro Council, may be your person is not the same but Metro Council, many times, their deliberations regarding huge development projects and there is very little, very little citizen input involved, the decision is at the Metro Toronto level.

Because many times the discussion takes place or people see that they have, they should have their input at the local city level. And sometimes they are not aware of what is even going to happen at the Metro level.

Metro, you know, Metro budget is over a billion dollars a year. And many times, to find out exactly, certain aspects of the budget process, they are not easily available. I have tried, myself, some times, some years. So I think it is a pertinent question.

Mr. Mahoney: I guess the word secrecy is the issue, will Metro Council be more accountable, is perhaps a fair question, or is a politician more accountable to his or her electorate, if he is elected directly by the voters or if he is indirectly appointed by his colleagues. I guess our Government's position is that if you are elected directly by the voters, regardless of the size of your constituency, my personal constituency, now and in any capacity happens to be in excess of 90,000 people.

I am accountable to them, I am not accountable for some other body that has appointed me to my position. So accountability versus secrecy, the secrecy issue may well be a problem that you have experienced, but it has nothing whatsoever to do with Bill 29.

The other issue that I find puzzling, the statement, will this lead to party slates. I have always been led to believe that party politics is alive and well in Metro.

Now, I might not agree with it at the Municipal level, I

never did. It was never a factor in the Municipal Council that I served on but I have always, you hear reports, it wasn't, it was not. I think even Margret would agree with me on that. You hear reports all the time about the NDP block on Metro, around Toronto Council or the Liberal Group. Oh, yes, all of them, all this and I think that party partisan politics is already in existence.

If anything, this would, this change would seem to me to allow for direct accountability and then somebody decide they wanted a councillor representing them who happened to be a particular member of the particular party, then democracy -- I suggest, that is their right, even though I personally do not agree with, I mean there is nothing very philosophical about fixing a pothole.

Mr. DeSilva: I think, Mr. Mahoney, that these points can be debated and may be you are right on some of them or I would agree with you on some of them but the question is though, that that is not what is being put to the people of Toronto. What is being put to the people of Toronto is that we need direct election and here, how are the boundaries going to be drawn, et cetera. These discussions regarding what type of Council it will be, whether there be party slates, is not being discussed among the electorate. So all of a sudden, in November, if this went ahead, the voters will be hit all of a sudden with a complete change in how civic affairs and their elections have been run.

So I think that some of the things that you are saying are correct but that is not what is being discussed. So people feel, in a lot of ways, these organizations were out last Wednesday evening at City Council, after awhile started looking at this thing in a deeper way.

So many of them came just to discuss the question of boundaries. And when they started to look at this question much deeper than that, this is not simply drawing lines. This is a whole change in civic Government in the biggest center in Canada and you cannot have it simply by trying to hoodwink people. That is what some people thought was happening. Some of the ratepayers organizations started having meetings and discussed which of the four options was better. But they did not discuss the questions and some of the points that you just raised about party slates, about --

Mr. Mahoney: I did not raise them, you did.

Mr. DeSilva: Yes, I am raising it, I think they are pertinent to the question.

Mr. Mahoney: I am questioning them in the context that I do not think that they are pertinent in the question and this Bill does not in anyway suggest that party slates and I would hope that that would not occur but if it did occur. The people

running are the ones who decide that they are going to run, waving a particular flag. And the voters will then decide whether or not they want to support somebody waving that particular flag. That is democracy, and so -- well, our understanding of democracy would be different, substantially. Our understanding of democracy would, I am sure would be different, substantially. But I would not get into that argument with you. I think that is all I have for now, thanks.

Madam Chairman: Okay, Mrs. Bryden.

Ms. Bryden: Madam Chairperson. I appreciate you bringing before us many of the crucial issues that are facing Government of all levels of municipality in Metropolitan Toronto, that is Metro, local area and school boards and also these problems of who will control the development and whether we will be able to get proper public input on decisions. And I think those are the crucial issues still before us.

But I think direct elections will be a step towards making that possible, if, once the people are elected or if they run on platforms which will ensure better accountability than we have had in the past. Do you not think that a directly elected Metropolitan councillor, who does not have to concern himself for some time, sitting on the local City Council, will not only be better able to focus on Metropolitan issues, but to also consult public access to meetings and to documents and to a decision-making? Will he not be in a better position, once he is directly elected to the Metropolitan Council and has responsibility for the very important Metropolitan affairs that do come before Metropolitan?

Mr. DeSilva: Let me be correct and we may be willing to support direct elections to Metro. But first of all, there has to be some clarifications of the responsibilities, the limits, the rights and duties of the two levels of government. We need to have a review of that between this Metro Council that is now going to be directly elected and a local City Council.

We need clarification on these things. It is not good to make these kind of changes and no debate is taking place on the clarification. My reason is, for instance, in Winnipeg, whether they created Uni-City, where there was, the whole City of Winnipeg was amalgamated. Many deep questions were not discussed beforehand. There was not enough public input. So Winnipeg Uni-City was put forward as the be all and end all to solve the problems of Winnipeg and it did not happen. It did not happen. There were many problems that are created.

So if you have Metropolitan Ward 8 in the City of Toronto and if the City of Toronto agrees that within that Metropolitan Ward 8, there will be three local wards, how are those four elected people going to work. Because if the same area, it is the same people, although there is a line that guides one big number into three separate parts.

If you look at it from another angle, that Metro councillor still represents a section or one part of a local city ward, right. Therefore, how are they going to work together on certain major questions that could affect them, in South Riverdale, for instance, if Metropolitan decides to put up another incinerator? What is going to happen between all the elected representatives? These are questions that have to be deemed and has to involve the community in the local level.

It is not like the provincial or the federal level. People do not see elections and civic affairs in the same way as the provincial elections and federal elections. The little guy in the street, the little woman on the street, that belongs to a ratepayers organization, or a tenant's organization feel they have more of a say in what happens in their little neighbourhood. And therefore, these things need to be clarified before and within that context. We most likely will support direct elections. We do not have any principled opposition to direct elections.

Ms. Bryden: Thank you.

Madam Chairman: Thank you. I understand from the clerk that the next two delegations wish to make a joint presentation, that is Olivia Chow and Joan Doiron. They are from the Toronto Board of Education. They are both trustees of the Board.

Ms. Doiron: My name is Joan Doiron, and then Olivia will follow. We are actually here to speak, you are in our Ward.

Madam Chairman: How nice. Ms. Doiron, you are welcome.

Ms. Doiron: These things have been left out and that is the problem with Bill 29. It applies to us, but it doesn't mention us and that, it seems to be something that we actually have to come to MPP's about, because you people are in fact responsible for everything, trustee matters and municipality matters. But it seems that back there, when it gets to the administration here, at the Queen's Park, people aren't talking to one another.

So we have one Bill that is being made to serve us, Bill 76, for which I don't believe there are even any hearings, yet. There is an enormous amount of clarification that has to be done in terms of our situation in that Bill. And we have Bill 29, which seems to, inadvertently, affect us. You know, we can't get out from under that cover. And in fact, we like what Bill 29 says, at least, I do. And I think Olivia will support it. But the whole concept of direct collection, to a Metropolitan level, the whole idea of local accountability, it is a great idea and it should have been done a long time ago. But somehow or other, that isn't even

mentioned, when it comes to us. And in fact, if you try to apply it to the trustee situation, you get strange oppositions, not from the politicians but from staff. So I think it is time for politicians to begin on this and make sense of what is in effect a mess.

So we would like your help. I am not sure how to recommend to you, but I think you certainly should be talking to the Minister of Education, and applying the same kind of principals to us, that are being applied to the municipal councillors. So it is from that, that I just wanted to mention a few other things and Olivia will get into some more detail.

So we don't actually, we seem to have seemingly disadvantages, like for instance, you said, in Bill 29, that Metro, that the City of Toronto, has to be divided into eight wards and we are scouped up in that move. And so we have to scurry around and try to find out how can we fit into that. And then of course, we have another constituency which doesn't necessarily overlap. We have the public school supporters to consider. And like the big advantage to us, if you apply that principle, would be for you to make the Metropolitan Board accountable.

And there is, I said, no mention of that so there is no democratizing of this whole process in terms of the school. And I am sure you are all familiar with the strike that we had, a couple of months ago and one of the big, big complaints that we as local trustees had and thousands of parents said, is that who were the people that were making the decision.

Well, if you figure it out, it will take me half an hour to explain it to you. It is a few little people operating at a Metropolitan level which parents in the City do not even know exists. So you know, it is best, it is a pretty dramatic illustration of how, if there is anywhere, where you want to get accountability, it is in the structure.

So to sum up, we are clearly covered by the legislation, but not mentioned. It is a very peculiar kind of situation and it is not unusual because we have a kind of tradition in this country, in the City and in this Province, of somehow not recognizing the political nature of an education structure that we have set up. We are politicians and we need to be considered that way too.

So conflicts exist between the proposed bills, Bill 76 and Bill 29 and I haven't heard of anyone kind of putting it together. I wish maybe perhaps some of the members of your Committee might have something to say to us about that. But it seems that there is just all these conflicts and no one is really sorting it out.

Just to illustrate this to you, we have a very strange situation, right here, in this Ward. We now are two trustees, representing an enormous area, actually, Ward 6. We have gotten kind of used to it, though. It is from Palmerstone over to Sherbourne, south of Bloor, down and including The Island.

I guess in actual people, it must be something like about 70,000. Like when you start walking around the Ward and talking to people, there is about 70,000 people that you have to talk to. This is like too big, actually. But like I say, we have gotten kind of used to it.

But when the trustees, last week, sat down to decide what they were going to do about this, we didn't have the majority voices. In fact, all of us who are affected by this particular motion and about to tell you about, did not agree with this. They decided that what we should have in Downtown Toronto is a, what we would call, a superward, from Bathurst Street which is south of Bloor, all the way over to the Don River.

Now, in short order, that would cover about 112,000 people. I don't know, you know, what your riding sizes are, but that is an enormous task, as a little trustee. I mean we have small budgets. We are unimportant, you know, we are not real politicians but we like to have that sense of serving our local people. That is an impossible bunch. It would be four trustees that we would elect across that area, but it is just a ridiculous scenario. But that is the kind of mess that the trustees last week got into, when they looked at what they had to do in terms of Bill 76 and to confirm, ultimately, with Bill 29.

So you have got to get us out of this mess. That kind of resolution, that is just passed by a marginal vote, by one vote, actually, I suspect that the City will not support that. But I should not think that you would want that kind of irresponsible lack of local accountability, that will come from electing people over such a huge area.

And actually, I guess that would be corrected if you made some comment about the restrictions of the size of any given municipality ward. I don't know what your possibilities are, there. But I think Olivia wants to give you some more detail about that and perhaps make some other points and then perhaps you might want to ask her those questions, because it is as a sort of package that we have got here.

Ms. Chow: I would like to urge the Committee to set up some guidelines and some principals that would affect the school trustees and the school board elections. Let me explain to you why this is very important to do. Every time you put a group of politicians together to draw the

boundaries, you are going to have some politicians looking for their self-interest, that is a natural thing for it to happen.

What would happen and I think a lot of the voters and parents, their interests could easily be forgiven.

I want to illustrate this point to you by bringing to your attention the map that is in front of you. If you look at Ward 4, right now, which is in the middle, I know the map is sort of, a bit fuzzy, but if you look at that big ward, it actually crosses two Metro boundaries. In Metro, there are eight wards, eight Metro Wards that is being suggested right now but what the school board is doing, some of the trustees say that perhaps we should ignore these Metro boundaries. We, what we should do is have some wards that would cross over one Metro boundary to another. That is one suggestion.

If you look at Ward 4, it crosses over toward 7. It takes in half of Ward 7.

We also see that in one area, there will be 4 trustees, let's say in Ward 4, there will be 4 trustees representing one area at large. This is one form of representation, with one set of principles.

If you look at the ward nextdoor to it, on your left-hand side, which is on your west, there is one trustee, we don't even have a name for that little ward, yet. That, let's call it Bathurst Street Ward. That little Ward has one trustee which is again another set of principles, which is a single member representation. So what you see here, operating two, very, very different political structures by a trustee or representation at large on one side of the street and on another side, single strip 4, which is in my mind, very inconsistent. I can go into why it is inconsistent, I think you understand that.

The other problem that we have, politicians trying to cough up little wards without any principles or guidelines from your Committee, that there is no relationship between administrative structure of the Board. I won't go into details of the different families of school and different areas right now. But if you look at the what we have, that was proposed, last week by some of the trustees, that definitely does not fit into the administrative structure. And for the interests of the school board, it is completely opposite.

Let's imagine a voter, I know some of you are not from Metro Toronto, but if you look at the boundary that crosses between Ward 4 and that little single Ward, think of a little voter that is, let us call him John and Maria, on Bathurst Street, one voter on one side, John who will be,

who will reside on the east side of Bathurst Street and Maria will reside on the west side of Bathurst Street. If they start comparing notes, it is very strange, because John's children will have four trustees when he has a problem, he has to call these trustees, he has four trustees to call. Whereas his neighbour, across the street, will have one trustee to call.

It is very confusing, but on top of that is John, on the east side of Bathurst Street, wants to find out about, he would be thinking who is my elected representative for this Ward, do I actually live in Ward 4, do I reside in 4 plus some, for the school board. And who exactly is my Metro councillor, anyway? Because there would be two Metro councillors representing him, three city aldermen and four different trustees. It is very, very confusing for this voter. As for Maria, it is a little bit easier, it is one trustee, one Metro councillor, one city alderman.

Now, you think that is bad. If you go across the river, down at Ward 7, if you have a voter that is called Peter that resides on let us say the east side of the river, on ward 7. Right now, let's say one of his kids goes to school on the east side of the river and one of his kids goes to the west side of the river, he doesn't necessarily recognize that as a separate board because he would be thinking of Metro ward boundaries because Metro wards, after all, is more important, in his mind. He will be thinking of well, you know Mr. such and such is my Ward and my Metropolitan Ward councillor and I reside in Ward 7. So when he wants to call up his trustee, he would have three trustees on one side and four trustees on the other side and you have 7 trustees representing his children. It is a complete chaos and for the politician, it is even worse. He has to run a big ward, there is communication costs, the number of schools you have to visit, et cetera, et cetera.

So I want to urge the Committee to look at some principles and perhaps say that wards should not cross Metro boundaries. This we know is possible, even by representation by ward, by population. So we would suggest that perhaps if we are to have representation, keep it within the Metropolitan boundaries for the sake of the voters. Because it is really a lot simpler for voters to recognize that keep it within the Metro boundaries, doesn't matter how you cough it up, once it is within the Metro boundaries, but please keep it within the Metro boundaries and not have one ward going over, going across Metro boundary.

The other principle, perhaps you want to consider is they should be consistent, either run at large. We have three trustees or two trustees per Metro ward, or you run single member, single trustee or single councillor, you can go aldermen, per ward. That is clear for people, in the

voter's mind. It is clear, you have either at large, or a single member. We don't have, in one area, a single member, and another area it is a completely different principle.

So I urge you to have, to set out two guidelines. One is make it consistent, at large or single member. The second one is just keep it within the Metro ward boundaries and we will figure out how to sort out whether, how many trustees there are, depending on the numbers of separate school voters and the numbers of public school voters. I think we have actually worked it out. It would be possible to do in elections by populations. So I hope that you will consider some of those principles.

Madam Chairman: Thank you very much. I would like to have Mr. Lesurf clarify some of the points between Bill 29 and Bill 76.

Mr. Lesurf: Thank you, Madam Chairman. First of all, I would like to reiterate that Bill 29 essentially deals with the structure pertaining to Metropolitan Toronto. It deals with direct elections for Metropolitan Toronto.

Now, and this is a deal that is sponsored by the Ministry of Municipal Affairs.

What we have done, in essence, for the City of Toronto and the City of Scarborough, et cetera, has been to allocate, or distribute a number of representatives for four Metropolitan councils, based on the a rate by par, which is fairly even. Each of the cities have recognized that in order to establish Metropolitan wards, that they would have to consider their current local ward structure.

Now, we heard earlier from Scarborough where they have considered it and they don't have any problems. We have asked each of the area municipalities to consult with the school boards because if there was to be a change in local wards, we wanted consultation to occur with the school boards, in case there were any problems.

For Scarborough, there are no problems. In the City of Toronto, they have come up with several different options and they are considering to implement eight Metropolitan wards, across the City of Toronto. And what they might do, in terms of their local wards. And as I understand it, they have consulted with the City of Toronto School Board. In order to come up with a solution that best suits all the parties.

In respect to Bill 76, that is a Bill that has been sponsored by the Ministry of Education. There are two representatives from that Ministry here.

We have been in regular consultation with the Ministry

of Education to keep them in touch with exactly what our Ministry was doing and whether or not what we were doing would create any problems for them or their particular groups, the school boards.

So in respect to that particular Bill, I would defer any questions to the two representatives from the Ministry of Education, John Tomlinson, I see is one of the solicitors for the Ministry of Education and Al Bowers, one of the policy people.

Madam Chairman: Thank you. Mr. Black.

Mr. Black: Thank you, Madam Chairman.

I just want to clarify, at the beginning, your concern is not with Bill 29, per se, but with what you perceive to be a lack of lengthy inconsistency between Bill 29 and Bill 76?

Ms. Chow: No, no. We are concerned about Bill 29 because after all, Bill 29 imposes eight Metro wards, and if we are to follow the Metro boundaries, we need some guidelines and principles in Bill 29 that specify whether the school board boundaries should fall within the Metro ward or whether they could go to another ward. Because if you leave it, I don't think the Ministry of Education would deal with it, but certainly within this Bill, correct me if I am --

Mr. Black: The second question, is there a consistency at the present time?

Ms. Chow: At the Toronto Board, yes. Across the City, across Metro, you have one councillor and you recall Ward 6, for example, Ward 6, you have the same boundary. It has one Metropolitan councillor, one City councillor and two trustees and it is very straight forward. In the voter's mind, it is clear, this is Ward 6, who my elected representatives, municipal, legal, at City Hall and the Board of Education, who they are.

The minute you start crossing the ward boundary, it will be very confusing. He would not know. I don't know what board to call it even. It would be called Ward 4 plus some.

Mr. Black: Is that true for separate school boards?

Ms. Chow: Separate school voter, what they may do is they will combine Ward 1, 2, 3 and 4 and they will, all of that, with one or two trustees. But they would cross, they are not necessarily coming up the Metro ward, they just combine two or three different Metro wards together. They create another boundary. But what the school board now is doing is create another set of boundaries and it would be

very difficult for City Hall or the City Clerk, for example, to administer, I would imagine. It is quite confusing.

Mr. Black: With all due respect, if I may. Coming from an area of the province that is outside of Metro, there are many people in this Province who deal quite successfully with the kind of problems you suggest are going to be major problems with the residents of Toronto. They do have Municipal representatives who represent them within different boundaries. Their area of representation is different for school trustees and run for municipal elections. The boundaries for school boards, as you are well aware, varies considerably across this Province, between public boards and separate boards.

And so we might have, within some of our rural areas, people who handle many of the problems you identified without great difficulty.

I guess I am puzzled as to why the people in Toronto would experience so much difficulty, in your view, in dealing with something that is an established fact of everyday life for people living in the riding in Muskoka, Georgian Bay?

Ms. Chow: I think there is one difference because you probably have one trustee in that one area. If you look at the map in front of you, at any time that one voter, as I just described for the seven trustees or four trustees, if there is only one trustee representing the whole area, yes, that would be simple, I just have to deal with one person.

Mr. Black: Actually, that is not the case. In many of our municipalities, they may have one trustee this year, this election and the next election, they may have three trustees. If there happens to be a significant change in population or if the proportion of population within the total municipality varies.

So people have been represented by, in some cases, one trustee and in the next municipality there might be four trustees, and next municipality, just as you identified, well, half of Metropolitan Toronto.

Ms. Chow: So it is actually the practice that is happening right now.

Mr. Black: It is a practice that is happening right now in many parts of this Province, yes. I am not saying it is ideal, I am not saying it is not without problems, I am saying that it does work. And I don't believe that it necessarily leads to all the confusion among the voters. It may be to confuse, a few confusions among trustees and Municipal councillors, but not among the voters, they seem quite able to identify who represents them, when they want

to make a phone call and complain about an issue.

Ms. Doiron: The point, though, is that we certainly had a tradition here, in Toronto, of not being in that same situation, so its a dramatic change.

Mr. Black: Yes, I appreciate that, Ms. Doiron and certainly, if there is some way, through your deliberations on Bill 29, to clarify this, I think it may be, it is just. But then that is a big factor, like we don't want to have people running around like chickens with their heads off, trying to figure out where they should be to get their problems solved.

So I think if there is some way that you could clarify this situation in the Bill, set it down in a series of principles, and as I said, you should encourage the Ministry of Education to likewise, have an accountability at the Metropolitan level.

Mr. Black: Madam Chairman, I wouldn't want to comment on the Ministry of Education's accountability.

One more question.

Madam Chairman: All right.

Mr. Black: I guess it is directed to you, it seems to me that any discussion of Bill 76 is outside the mandate of this Committee, from my perspective, is that not correct?

Madam Chairman: Yes.

Mr. Black: Thank you.

Madam Chairman: If the Committee wishes, I am sure we could ask Mr. Tomlinson and then Mr. Bowers to answer questions for clarifications for the Committee's understanding, precisely what the standards are. If the Committee agrees, we can get clarification from Mr. Tomlinson and Mr. Bowers, rather than go ahead.

Numerous questions have been raised and you know, we are just seeing the confusion and the breakdown of the system by virtue of what is happening. I think it would be very helpful to us in trying to work out the best amendments, to make this legislation work.

Mr. Tomlinson, Mr. Bowers, would you come forward, please. Perhaps you could clarify the situation, re Bill 76 and Bill 29 and the interconnect.

Mr. Bowers: In terms of the number of municipalities that may be affected by the provisions of Bill 76, depending on how the count is made, I understand there are somewhere

between 80 to a 105 municipalities through the elections, are based on a ward system. All of these municipalities will be subject to the same kinds of aggregation of electoral areas and combinations of electoral areas that are contemplated as a result of the ward changes in Metropolitan Toronto. And when I say, as a result of, I probably should say at the same time as, because even if the wards which remain the way they are today, and the principles of representation by population, of the electoral groups, of the school board were to be adhered to, then there would still be some combination of wards, that likely would occur.

Because what is contemplated is that where a ward may be set up, to have an overall population that is reasonable even across those wards, it may be that that population is not uniformly divided in every ward. There the same proposition of separate and public school is appropriate.

So that whereas we may be talking about a ward with a population of 50,000, one ward may have a population of 45,000 public school supporters and 5,000 separate. An adjacent ward may have only 10,000 public school supporters and 40,000 separate.

And if we allocate numbers on a ward basis, then we are not allocating them according to the principles of representation by population. And that is not contemplated. That fifth one is not contemplated within Bill 76.

Now, the Metropolitan Boards have been given the opportunity, because of their unique two-tier structure and the public board situation, to provide input to the Ministry, to determine how the principles are best supplied to their rather unique circumstance.

Madam Chairman: Thank you, any questions? Mr. Daigler?

Mr. Daigler: I don't fully understand, with regards to the school boards, it is my understanding that it is the boards, the school boards that determine the nature of the voting, is that not the case?

Mr. Bowers: No.

Mr. Daigler: Or continues to be the case?

Mr. Bowers: No, it is not the case. There has not been an opportunity for a school board, for example, with one exception of the Metropolitan Separate School Board, to approach the Ontario Municipal Board in order to start its membership, tender its total size.

Mr. Daigler: No, not the membership, but the wards?

Mr. Bowers: Well, no, the school boards have had the

opportunity, where there were no wards, to approach the county, to approach the councils to establish electoral areas, where they wish to establish them. But there has been two electoral areas established, that have been different from the ward system. So that where there has been a ward system, there has not been, as I understand it, separate areas for school boards, different, on top of that.

Mr. Daigler: I still don't quite follow that, because going from my experience, coming from the Ottawa area, I know that school boards, in the Ottawa area, don't have any relationship to the municipal wards.

Mr. Bowers: One of the things about those types of, all the discussions from those are being removed.

Mr. Daigler: So who has authority, who sets the ward boundaries?

Mr. Bowers: Ontario Municipal Board.

Mr. Tomlinson: I think the present system, in general, the boards of education, that don't have special treatment like they do in Ottawa, is that the board can request a municipality to divide itself up into electoral areas for the purpose of the board. And if the municipality thinks it is a good idea to go ahead and do it, and the areas that are set don't have to be, strictly speaking, be the same as its wards, in theory.

Madam Chairman: Mrs. Marland.

Ms. Marland: Well, following on the answer that you have just given, then, we have a marvelous system then, where the individual person will have the opportunity to vote in a federal riding which is different from a provincial riding, a provincial riding which encompasses any number of Metro wards, City wards and possibly school board wards, is that what the status quo is, that that is actually a possibility?

Mr. Bowers: That, I don't think is any different from what has happened since the inception of the different levels of Government. There has always been the overlapping in areas because of the different geography because of different elections.

Ms. Marland: Now, that is a sign of legislation, I would suggest that we are trying to encourage that. And if Bill 29 doesn't end up with using its opportunities to improve the status quo, then you have to sort of wonder about the imagination of the drafters of the board. We would all end up with something better.

Now, I know that 76 is not before this Committee. But I

think on behalf of the electorate, in Metropolitan Toronto, we all have an obligation to look at the overall picture, Madam Chairman. And and if you are saying that, what is the date, in 76.

Mr. Bowers: I am sorry.

Ms. Marland: What is the date it was first introduced, September 16?

Mr. Bowers: Yes. The House approved the legislation, it will be in effect for the 1988 election. There are these provisions in the legislation, it should provide for that.

Ms. Marland: I didn't realize that it was such a high number that was introduced before Christmas. So it was introduced for first reading, so where is it now?

Mr. Bowers: Still at first reading. It has not received second reading yet.

Ms. Marland: So should be, so it is the intent of the Government then, would that Bill be processed through and enacted without any public hearings, or it is not referred to a Committee? I mean it has not gone through a second reading, but what is the intent of the Government in Bill 76?

Mr. Bowers: I think one of the members of the Government would be better able to speak to that. We have prepared legislation that would make it effective for 1988 and the decision would presumably be made by the House as to how it deals with the second reading.

Ms. Marland: All right. So what we are saying then, and I did not realize that we have two bills going through, currently, through the House, which will end up in this wonderful, out in wonderland world, before us. If we don't, through the legislative process, make sure that they can relate to each other and simplify the decision of electoral district -- at the moment then, I guess what I need to do is and I will do this, is get a copy of that Bill and see what it says specifically.

If you said that I recognize that Bill 76, from what you said, is for the entire Province?

Mr. Bowers: Yes. And the other caveat on that is that the public board in Metropolitan Toronto, having an unique two-tier government structure, have been provided the opportunity to explain how the principles of legislation are best applied to them. And they are awaiting that almost daily. So they report to the area boards and the Metropolitan Toronto School Board to look at what their responses are.

Ms. Marland: So they can actually respond to the Ministry?

Mr. Bowers: Yes.

Ms. Marland: Directly?

Mr. Bowers: Yes. They were originally given a deadline and it was determined, we extended that to January 31.

Ms. Marland: You mentioned that there are about 180 municipalities in Ontario that elect various school board representatives by wards?

Mr. Bowers: Between 80 and 105 is the number that I have variously had given to me.

Ms. Marland: Oh, between 80 and a 100?

Mr. Bowers: 85.

Ms. Marland: And have they been asked for their opinion on Bill 76?

Mr. Bowers: The process of developing Bill 76, there was a study commissioned to look at subsidy representation. The study was done by the staff of the Ontario School for Studies and Education, representing people. It was published in 1986.

The Minister of Education set up a joint Committee of Ministry officials and representatives of the five major trustee organizations. And the report was published by the Joint Committee on Trustee Distribution. And it was published in the fall of 1987. The signatories to that include the presidents of the five trustee organizations. The central principles of Bill 76, although not the implement strategy, are the principles of that joint report.

So in a sense, you could say that Bill 76 has been developed over a period in excess of two years with consultation with trustees going across the provinces.

Ms. Marland: And it was created and developed by themselves, by their representatives, through their organization?

Mr. Bowers: Very clearly was their input.

Ms. Marland: One final question then, what does it say about ward boundaries?

Mr. Bowers: It says that if you develop an electoral area, that the electoral area shall not cut across the ward

boundary. That the electoral areas shall include the whole of the ward. So that when you have to combine wards, then you will combine whole wards, not half wards.

Ms. Marland: So what you are really recommending, to simplify and eliminate the possibility of having different wards, the school board and the different wards of the Council?

Mr. Bowers: Yes.

Ms. Marland: All right, thank you.

Madam Chairman: Thank you. Mr. Farnan.

Mr. Farnan: Yes, to pursue Mrs. Marland's questioning, and may be to give some clarification to me; who will make that determination, that the school boards must follow the ward boundaries?

Mr. Bowers: It is in Bill 76 as one of the provisions that an electoral area shall not subdivide a ward.

Mr. Farnan: And well then, the proposal that we were presented with, is that an unacceptable proposal, given the guidelines that you have?

Mr. Bowers: I have not seen it.

Mr. Farnan: Were you here for the presentation by the Public School Board?

Mr. Bowers: I wasn't and in looking at the map, I don't understand the map, because I don't know where the local boundaries for Metro Toronto may be, where the Metro boundaries may be, and what the map here does in relation to that.

Ms. Chow: We have received a letter from the Minister of Ministerial Affairs saying that it is possible to go across the Metro boundaries. In that case, the Toronto Board -- anyway, the understanding is that indeed you can cross the Metro boundaries. That is why there is this confusion. That is why, at the last board meeting, we came out with a proposal.

If it is clear that we should fall within the Metro boundary, well then, you can't probably cross another Metro boundary, then it would solve a lot of problems. But that is the understanding, I don't think it was spelled out clearly.

Mr. Bowers: I think in Metro, we have a unique circumstance, with Metro boundary for wards and local wards. And the assumption we would make is that when the board,

they would like to go with whatever the greater number of wards, which we assume there is a local ward rather than a Metro ward. Because that is arrived at without flexibility for them and reducing the numbers of members that would be elected at large or the large area. But so that we have not heard from them at this stage, it would become unfair for me to say much about what they would or would not prefer.

Mr. Farnan: Now, we have heard from a delegation and I think as I said previously, that there is a desire to use the Metro boundaries, or to keep the Metro boundaries intact, by looking at the school boards. Who exactly is it, within the mandate of this Committee, to make a recommendation to that regard or who should these people be challenging their suggestions to or requests for this kind of procedure?

Mr. Bowers: I can't claim to be an expert on Bill 29, which is your subject matter here. But I believe that the local municipality, in consultation with the School Board, would be making recommendations, and that the Minister of Municipal Affairs, by Order in Council, will deliver those recommendations. And then from 1991, it will be done through the normal OMB kinds of processes.

So I assume that is the way in which the recommendations will come into effect and if the school input is what the councils do, through the Minister of Municipal Affairs.

Mr. Farnan: I take it then, Madam Chairman, it would be quite in order for this Committee to recommend, actually recommendations go forward than this Committee?

Madam Chairman: I am not sure that we should be recommending Bill 76, that is not before us.

Mr. Farnan: But I just heard that it is the Minister, together with the municipalities and the school boards, is that the way you phrased that?

Mr. Bowers: I think I said that the school boards will be consulted by the municipalities, they can make recommendations through the Minister of Municipal Affairs and the Minister will then first call an Order in Council to establish the ward boundaries.

Mr. Farnan: I would hope that it is something that this Committee would bear in mind. The dilemma, it seems to me, to go back to the delegation is that if you are looking for the smaller units, which I think are preferable and in my area, we chose our trustees across the whole city. So that the, you know, the 12 trustees have to campaign city wide. And that is not very desirable.

There seems to be a preference on your part to have

smaller units, giving you individual representations. But the smaller you get, the more you are going to cross the boundary, is that not true? And the larger --

Ms. Chow: At least no bigger than the Metro ward boundaries, of which there would be eight in Toronto. At least no bigger than that, but what we were trying to describe is that we have made a recommendation, last week, that enormous wards, this is an example, for instance, of how we are not, how people are apparently free to go even bigger. But certainly they have already done that.

Mr. Farnan: Well, it would seem to me that the tenor of your presentation, one of principles that you put forward is that the system be the same or consistent across?

Ms. Doiron: That is right, it is preferable.

Mr. Farnan: So if you did have to go with three trustees in a given ward, that cross boundaries, then your preference would be that all of the wards be extended to have three trustees in each larger ward, then to have a variety of representations. It surely is a dilemma, but I think those two principles, I think we could look at in terms of recommendation.

Ms. Doiron: And at least, it should not go larger than the Metro ward, but in the whole City, it is only about eight of them.

Madam Chairman: Thank you Mr. Farnan. Mr. Cousens.

Mr. Cousens: I think it is the lack of coordination, consultation and cooperation that has not existed between the Ministry of Municipal Affairs and the Ministry of Education. We have had 47 bills, that are tabled in the House between Bill 29 and Bill 76 and the lack of congruity that exists between, with the total ratepayer that goes to the poll. It has to face, by virtue of the presentation made here today, it is just unforgivable. It is like Health and Ministry of Community and Social Services, there is battle with one another, is what you see here with the Ministry of Education and the Ministry of Municipal Affairs.

And the confusion, we haven't begun to address the concerns that have been tabled by these trustees and a former chairman of the York Region Board of Education. I know what it is like to be the poor cousin in the world. And that is really what you are right now, you are just propped out there, waiting for Bill 76, getting instructions from the Minister, that are in confusion with what is going on.

And here this Bill is being considered by this Committee. And probably one of the major reasons that we,

as the Conservatives, with the help of the NDP, have forced it into Committee so that there can be some consideration of the ramifications of it.

And I would like to go to the bottom of the question that is being asked, by these trustees, and ask either the Minister of Education or someone, to tell us how you solve the problem that Olivia Chow has raised, with regard to people that are going to live on one side of Bathurst and the other side. I mean they are saying, hey, we have got fundamental problems, with ratepayers and we just don't know how to solve them. Can someone tell us how we can give them a clear answer. I don't think we have begun to answer their questions.

Madam Chairman: We have just clarified that.

Mr. Cousens: Well, why doesn't someone read it then?

Madam Chairman: I have asked that it be read. Thank you, Mr. Neumann.

Mr. Neumann: Copies will be tabled with the Clerk and copies made for the members of the Committee. The letter is dated January 7th, to the Board of Education from the Minister and the Minister of Municipal Affairs.

Shall I read the whole letter.

Madam Chairman: Please.

Mr. Neumann: It says:

"Dear Mr. -- Thank you for your letter of December regarding statements to the amendments to the Municipal Elections Act which I outlined in my statement of the legislature on December 10. I am very pleased that you support these proposed amendments. It is my intention to introduce the necessary legislation in the very near future.

You also indicate that you support election on a representative issue by population ratio. My colleague, the Honourable Chris Lloyd, Minister of Education, introduced amendments to the Education Act on December 15, 1987, which changes the basis of school trustee representation from separate to population.

This legislation, Bill 76, does not apply to the Public Board in Metro Toronto. The Minister of Education is waiting to receive, from the public boards in Metropolitan, proposals and how to implement the principles of Bill 76, before proceeding with legislative amendments from Metro.

You suggest that my Minister should permit school boards to establish ward values, independent from municipal ward boundaries, to recognize the differences in the distribution of the respective electorate.

Bill 76 provides that where a municipality is divided into municipal wards, an electoral area for the election of a school trustee may include one or more wards but wards may not be subdivided. I support this approach. The combination of wards allows for differences in constituency, while at the same time, minimizes the confusion of the electorate and even the administrative requirements for renumeration and conduction of election.

As you may know, I recently introduced amendments to the Metropolitan, Municipal Metropolitan Toronto Act to provide to the direct election of Metro Councils. Direct election requires the establishing of Metropolitan wards, which may in turn require the redivision of local wards in the area municipality and Metro. I have asked each of the area municipality council to begin to draw up proposals for the new ward system and to consult with the public and with the relevant school boards on these proposals.

The new wards, in the 1988 Municipal elections, will be established on my recommendation, by Order-in-Council. While the legislation has not yet been enacted, I anticipate requiring input for the area municipality by early March. I would urge your Board to take this opportunity, to work with the City of Toronto Council in the consideration of revision for the municipal wards.

My objections, in introducing amendments to the Municipal Elections Act and then implementing direct election in Metropolitan Council, is to improve accountability, through the electorate, by making this, the electoral process, less confusing. A simple Ward system is essentially for this objective.

Thank you for writing to me."

Signed by the Minister.

Mr. Cousens: Madam Chairman, I would ask then that of the trustee; does that solve the problem?

Ms. Chow: No, because it doesn't say whether it is Metro ward or local ward, because some trustees say Metro wards, some say local wards and there is no, we don't know who we would clarify this with.

Mr. Cousens: I guess I am concerned as well, when you

have that kind of confusion, is it going to be possible? And you have circulated a map to it and is it going to be possible for you to develop boundaries in the time frames. I am sure you will, because knowing how trustees have worked in the past, and are capable of doing the work, you must be really going through a terribly frustrating time.

Ms. Chow: If you give us clear guidelines, and say that it is Metro wards that should not cross the boundaries, we will take the Metro wards and divide that and say we will run two trustees here and/or three trustees here, by a large or by a single ward, trustees, specifically, Metro ward or local ward. We are urging that let's not cross Metro wards because it is confusing. Even local and Metro wards, if this is clarified, then it would solve our problem.

The other issue is at large or single member.

I am saying just cross Metro wards, well, that is the result, the map here, we see that in crossing of Metro wards.

Ms. Bryden: But the ward that you want can they be different from the Metro wards?

Ms. Chow: Yes.

Madam Chairman: That is clarified in the legislation, thank you. Thank you all for clarification. I do have a couple of questioners and that covers my original list as well. Mrs. Bryden, you are next.

Ms. Bryden: Yes, well, you know, I think we are not facing up to the fact that what we are dealing with is local legislation affecting the Municipality of Metropolitan Toronto. We are not affecting the whole electoral system or school board system across the Province and therefore, I recognize that the Minister of Education needs his own legislation to cover how elections are held throughout the Province.

So what we should be dealing with is how elections, both Municipal and school board would be dealt with within the Municipality of Metropolitan Toronto. And if Ottawa can have different rules, there is no reason why Toronto can not have different rules.

Apparently, it does have different rules right now, on the Metropolitan School Board, so that it seems to me that we should be concentrating on expanding Bill 29, to cover both, the municipal wards and the school board. The reading I get of when the report comes back, from the municipal wards, after they have consulted with the school boards, that their recommendations to the Minister will include school board boundary recommendation and that the Minister

will then approve or not approve or vary, whatever recommendations come in.

So we are dealing with the school boards, in Bill 29, regardless of whether it may be out of order. Certainly, on the date of the second reading, we thought it should be in there and I think its been proven by the information we have had today, Bill 29 should deal with the approval of the school board boundaries as well as with the municipal ones.

Now, I certainly think there may be a need to add a clause that the Minister of Education must approve any variations from the municipal boards, whether it may be different wards. But I still find it difficult to understand how you can have different wards for school boards, either within Metro wards, when the electoral system requires that the elections be held by the City Clerk for both school boards and municipal people.

How can we have people voting differently, within the same Metro ward on different boundaries? There seems to me to be tremendous confusion as to where they vote, who they vote for and whatnot. Let us not let the electoral process overrule having different points. I would just like to know, in the City of Toronto, are they not --

Mr. Neumann: I think the one point that should be made is that that deal with the Projects Committee, does not establish the ward, it establishes the process for creating the ward.

Ms. Bryden: Then I ask of you, why could not Section 5(a) be expanded to say, you know, the whole process of setting up the area municipal wards, just put in, 'and school board wards', and all those criteria will apply in the setting up of area and school boards.

Mr. Polsinelli: That is not necessary, because under Rule 76, the school board ward does not have to be related to the local wards. So once the Minister is assessing the recommendation that has been made by Council, in assessing the breakdown of the wards, he will also take that into consideration, in fact from the Toronto Board of Education.

So there is no amendment required. If the trustees are unhappy with the arrangement or the negotiations between their board and the Council, and the recommendations that they made to the Minister, once that recommendation goes to the Minister, they can appeal it. They can make their representations to the Minister with reform and those representations will be taken into consideration.

After the 1988 election, the normal process fits in and they can appeal the decision to OMB. It goes on through the regular process.

Ms. Bryden: I am saying that Bill 76 does not apply. My point is --

Madam Chairman: The clerk has some information on the advertising issue.

Ms. Bryden: My point is that Bill 76 does not apply, the Minister may have to make his recommendations, before it is through. And anyway, he can have separate legislation from the Municipality of Metropolitan Toronto. Bill 76 doesn't have to be brought in.

So the Minister could make his recommendation on both, the school boards, and municipal wards, under Bill 49, if he simply added to Bill 49 that it is, that he should consult the Minister of Education, in doing so. And if there are any variations, he and the Minister of Education should agree that these are necessary. If they can be worked into the electoral process. But again, you have to consider that too.

Madam Chairman: Thank you, Mrs. Bryden. Mr. Black.

Mr. Black: I wonder if I might direct a question to the representatives of the Ministry of Education?

Madam Chairman: All right.

Mr. Black: Given the existing legislation regarding school board governance, and educational governance in this Province, how many school boards could we have in Metropolitan Toronto, in the foreseeable future, you currently have how many?

Mr. Bowers: Currently, we have six area boards, no, sorry --

Mr. Black: Sorry, public. I am thinking in terms of public boards, the overlap between public boards, separate school boards, and French language governance. Is it conceivable that for this particular room, you could have two, three, four school boards governing education, including French language?

Mr. Bowers: In this Province?

Mr. Black: No, in this room, in Toronto, in Metropolitan?

Mr. Bowers: At the moment, the only consideration I am aware of are not pertaining to any of the existing boards which related to one separate school board, Metropolitan Toronto School Board, the fixed area boards, public, covering each Municipality, the Metropolitan Toronto French

Language School Council which is a -- and the Metro Toronto, the Municipality of Metropolitan Toronto Act which deals exclusively with the French language of the public system.

Mr. Black: Do you have a similar organization for French language schools in the separate system?

Mr. Bowers: That is hypothetical. But yes, it could be.

Mr. Black: And would both of those have elected trustees?

Mr. Bowers: That is contemplated at the moment for the Council, or the public board.

Mr. Black: The point I am making is that the discussion of school board boundaries in relation to Municipal boundaries is that there are many more collection issues than we are making it seem. And the problems that are emerging now, are not due to a lack of consultation or a lack of proper consideration. They are due to a complexity which many people in this room may not come to grips with, and they may not understand. And perhaps what the Committee needs, not today, Madam Chairman, I would suggest, but at some point in the deliberation, some input on that whole question of the overlap between Municipal boundaries and school board boundaries. Consideration of how that is impacted by the concentration of separate school supporters in a City like Metro and how that may have impact on wards and the makeup of wards. French language governance, councils or boards.

This is not something that this Committee is going to resolve in this series of sittings and to suggest that it is something that is, it is just denying the facts, in my view.

Madam Chairman: The point is to get some clarification from the Ministry, of the questions that are raised are valid and I believe that hopefully that will be supplied by the Ministry of Education, in their deliberations.

Yes, Mr. Mahoney.

Mr. Mahoney: The Ministry staff has clarified the situation for us, the deputation and the people from the Education Ministry that are here as to how the boundaries are established.

Mr. Lesurf: Basically, what we have got in place, if we start at the Metro level, is with direct election, and if we chose Scarborough as an example, or North York, perhaps North York, okay, Toronto. Toronto will get eight representatives for Metro Councils.

They have proposed a number of options for eight Metro wards. So they are going to create eight Metro boundaries.

At one point, one of their options was to group the existing eleven local wards. I am not sure if that one is still on the table. Two of the options that I think the Committee have seen today and I have heard some comment about, was an option A. We basically had eight Metro wards, it would have 16 local wards. They currently have eleven local wards. So they are going to have to reallocate some boundaries.

Option A is the one that the public have supported and we understand

Mr. Mahoney: Let me stop you. They had eight Metro wards, 16 local wards, aldermanic wards, for aldermen to run in and would the trustee not simply run in those same wards?

Mr. Lesurf: That would generally be the idea, except for school board purposes. You have got to remember that you have got public school supporters, and you have got separate school supporters. So conceivably, what could happen is that you could get say Ward 1 and Ward 2 being local wards, formed to combine Ward 1, Metro Ward, no problem, at that point. But in Ward 1 and Ward 2, you might get a 100,000 public school supporters. Based on "representation by pop", public school support, according to the Ministry of Education figures. That might end up, you might be entitled to have three school board representatives.

So those two wards would be combined to elect three school board representatives. And that is where our problem is. The problem in the sense that for Council's purposes, you balance representation by "pop", on a ward by ward basis, for separate school board purposes. Because your population, that is public school supporters, versus separate school supporters, can vary amongst the various wards.

Mr. Bowers: So adding to that, for example, in the City of York, there are eight municipal wards and four grouped together, for the election of members for the Metropolitan Separate School Board. So in terms of the grouping, the board --

Mr. Mahoney: So the board would juggle the numbers, if they decided any three or four trustees in a particular ward, because of representations they would make?

Mr. Lesurf: Yes, and part of the consultation process, what we wanted to occur was basically that when the City was drawing up their options, they would consult with the School

Board to try and divide those lines up to take consideration of all the issues that had to be considered. But the end result is that you cannot have the local wards spreading across Metro ward boundaries and you cannot have two and a half school board trustees elected from two wards. You might have three school board trustees elected.

Mr. Mahoney: The third question is, will the trustee have to run across a Metro ward boundary.

Mr. Lesurf: The answer is, no.

Mr. Mahoney: The answer is no?

Mr. Neumann: Becuase the local wards have got to be within the Metro ward boundaries.

Mr. Bowers: The recommendation of the school board was to use the local area board as the unit for the election of trustees and if there were 16 local wards, then if you are looking at a combination, it would require a prohibition, I suspect, in our legislation, to prevent the combination of wards that went across the Metro boundaries. That, of course, is not essentially, again, very different from the existing circumstances.

Mr. Lesurf: I think the Ministry of Education person has corrected, he basically said that if Ward 1 and 2 forms Metro Ward 1 and Ward 3 and 4 were Metro Ward 2, it is conceivable that Wards 2 and 3 be grouped together for school board purposes.

But the building blocks are the local wards, you could end up with another, you could end up with another group in the group, am I correct?

Mr. Neumann: That is right and that currently is the situation.

Mr. Black: And if you add French language governance, you add up another group, so it is a little bit like trying to say that we should make sure that Municipal boundaries coincide with federal boundaries, it is not going to work.

Mr. Bowers: In an example, there will be three sets of elections for the same board, and a public board, while the separate school board is not extended to become a second school board. You will have the public school, English language boundaries for election which may well be different from the separate school English boundaries for the elections, which will be different from the French language. All for the same board, all within the same jurisdiction.

And our Councils' affairs, with municipal affairs, and others have indicated that it will be relatively easy to

establish a checklist for the purpose of election, given that we are not intersecting the ward boundaries, or the municipal boundaries, when we come to set electoral areas, to cut the distribution.

Madam Chairman: Mr. Daigler.

Mr. Daigler: Well, I think the discussion I think was very useful, even though it did highlight a number of difficulties. But I think life is made up, mixed with interesting -- I do think though, that the points that have been raised should be addressed, mostly, to the development of Bill 76. I still have some difficulty in seeing how we, for Bill 29, should do anything that would prevent any of it that is described.

I think the points that you have made, since we have representations from the Education Ministry here, may be taken into account. I think we should make that again. In your submissions regarding Bill 76, as far as this particular Bill is concerned, I don't see where we can make the matter any more easy or clearer with any particular initiative. I think it is up to the education sector, to put forward its proposal.

Madam Chairman: I really have a list of people that are now, I am now an hour behind schedule and I really have to go to Mr. Cousens, thank you.

Sorry, were you finished, Mr. Daigler?

Mr. Daigler: Well, yes.

Madam Chairman: Thank you. Mr. Cousens,

Mr. Cousens: This map that you have passed along, that is the approved boundaries set by the boards now?

Ms. Chow: By the trustees.

Mr. Cousens: And have you had any consultations with the City of Toronto in regard to that?

Ms. Chow: Yes, some, here in Toronto.

Mr. Cousens: But before in Scarborough, you were hearing of a lot of cooperation going on in Scarborough, was there a similar kind, trying to work out your problem, which Mr. Black says -- I know, I think we all know, it is not why we are here, but I just have to say, to what degree has there been consultation with, you know, other groups and --

Ms. Chow: My whole point is, yes, we know we can work our differences, while saying to you if you look at the Metro boundaries, all the options of the City Council have

been considered. You could certainly do representation by population within the Metro boundaries, if we want to allow politicians to generate as much as they can. Certainly go ahead, they could go across Metro boundaries. It would actually benefit me, if I feel that I could take four trustees and bring in two other trustees. I am not speaking on that.

What I am saying is that if you have a clear principle, then you would not have the trustees going after each other, protecting their own areas and making one ward so huge and another ward so little without any rationale behind it. That is all I am saying.

Yes, of course, we could go to City Hall and negotiate, but what I am saying, if you had some kind of principle here, it would be a lot easier, simplify the whole process and reduce the amount of unnecessary bickering and unnecessary mess in the local level. That is what we are saying.

Ms. Doiron: It would just be consistent with what Mr. Eakins said in his January 7th letter, where he is trying to make the electoral process less confusing and more open, so we would just like that applied to other things.

Mr. Farnan: Along the same lines and I think my colleague, Mrs. Bryden, has suggested that we incorporate this concept of Metro boundaries and, you know, Mr. Polsinelli, in his response to Mrs. Bryden, when he interjected, it was responsive, little chaos because it seems to suggest, let us not worry about the chaos that might be created with the school board because we have a mechanism of wards to deal with that kind of chaos. I think what Mrs. Bryden is saying is let us create a situation where we avoid the chaos.

She is suggesting that the delegation is very clear, it is a principle, let us work within the Metro boundaries. They are being flexible, to the extent that they are saying that they came here, I think with the preference of one representative for one unit. I think that there is some flexibility of saying, well, we can accept more people within the boundaries, the larger boundaries. But two things, let's keep the Metro boundaries, and let us keep the same number of trustees within boundaries across the City across Metro. And I think we should include that, as Mrs. Bryden suggested, within our recommendation and not leave it as something hanging out in the air, to be dealt with, down the road.

Madam Chairman: Thank you. Mrs. Marland.

Ms. Marland: Madam Chairman, I think in the past half hour discussion it has been very important that I also think

it has been very relevant, even to point out the fact that we should have been looking at these rules together, if we really were committed. I am talking about Bill 76 and Bill 29, if we are committed to trying to resolve and improve the situation for the electorate in Metropolitan Toronto.

Where does it say, in response to your comment, Mr. Lesurf, that local wards must be within the Metro wards? I have tried to find that, but you made that statement because if we can say that this Bill, Madam Chairman, that the local ward should be in, within the Metro ward, which makes sense, then it would also make sense that we should suggest, in Bill 76, that those wards also align with the municipal wards. That are the municipal wards. Otherwise, I can see horrendous expenses. And you are going to have three enumerations? I mean, really, you are going to have tremendous expenses.

Mr. Lesurf: It is on Page 4 of the Bill and it is Section 3 of the Bill, sub-section 5 and 6. And if we just go to Number 6, I guess, 5 says:

"Where the Minister recommends the establishment of a number of local wards in an area Municipality -- for the number of Metro wards in that area of the municipality, the boundary of a local ward shall be identical to the boundaries of the Metro wards in that area municipality".

And then 6 says:

"Where the Minister recommends the establishment of a number of local wards in an area municipality, if it is a multiple and whole numbers, that the number in Metro ward in that area municipality, each local ward shall be located entirely within one Metro ward."

Ms. Marland: That is not the whole ward?

Mr. Lesurf: No, the intent was that local wards could not go beyond Metro ward boundaries, so that if he had two.

Ms. Marland: You said the whole. If they ask for 16 Wards in Metropolitan Toronto, that is a whole multiple range. But if they are asking for 20 Wards, the Toronto Wards --

Mr. Lesurf: Well, it was the intent and then what the lawyers had written. The intent of what they were supposed to write was that area ward boundaries would not cross Metro boundaries, that they would be contained within the Metro boundaries. If you have had Metro Ward 1, we could have one local ward. If we had two, it could have two local wards, it could have three local wards, or whatever, but it had to

be contained. Those wards had to be contained within the Metro ward.

Ms. Marland: You know why this becomes more interesting, because, unless you establish that the local wards are going to be totally within that local municipality, then the, I mean all the Bill is saying then is that the local municipal wards must be within the Metro wards, right?

Mr. Lesurf: And the Metro wards, there is another provision that says the Metro wards are contained within the area Municipality.

Ms. Marland: Well, that is what, why did you say that, that is an expression, because if it doesn't, than your local representative could be from outside of the municipality.

Mr. Lesurf: That is dealt with on Page 2, where he says, the number of representatives of each municipality, having firstly been elected by the Municipality from North York for example, so Metro Wards are within North York.

Ms. Marland: No, that doesn't answer the boundary issue. I understand that. It does not answer the boundary questions.

Mr. Lesurf: I don't understand the question.

Mr. Neumann: You had the Metro wards crossing into two municipalities.

Ms. Marland: That is the question.

Mr. Lesurf: Where does it say that, because each municipality, it is a specified number of members elected from that municipality.

Madam Chairman: The municipalities have their own boundaries, therefore the wards would be within that boundary.

Mr. Lesurf: Within the boundary of North York, seven persons shall be elected and seven Metro wards shall be created within that.

Ms. Marland: Right, but is that, it doesn't deal with the boundary issues.

Ms. Kemp: There are two places where it refers to the fact that each local ward shall be located entirely within one Metro ward. The first thing is on Page 4, under 5(a), sub 6, which is the Minister setting up the Ward, that was for the first period of time.

The next Section is on page 5, under 5(b), 2 sub B, that refers to the OMB has to, in accordance with Section 152 B, sub 2. If we turn to 152 B, sub 2 --

Ms. Marland: Now, wait a second. Would you tell me what page you are on.

Ms. Kemp: We are on page 5, 2D, and it refers us to 152 B, sub 2, which is way over on page 10 at the top. Everybody got that, right at the top, sub 2, it says --

Ms. Marland: Okay.

Ms. Kemp: We have got contents of order, if we look under B, the very last line, there is that:

"Each local ward shall be located entirely within one Metro ward".

So the Minister has to follow that rule, and then when it goes to the OMB, they have to follow that rule.

Ms. Marland: Right. And that is what it says, each local ward shall be located entirely within one Metro ward. It doesn't say within one municipality.

Madam Chairman: It says in the area and municipality.

Ms. Kemp: Metro wards cannot cross between municipal, that was --

Ms. Marland: Metro wards cannot cross between municipal.

Ms. Bryden: There is no instructions to the OMB, there is no instructions to the Minister, in his recommendation.

Ms. Kemp: No, the first part I quoted to you, under 5 A, sub 6, on page --

Ms. Bryden: But like I say, that only applies if you are dealing with a whole number of the Metro wards, if you are dealing with some additions, it doesn't apply.

Ms. Kemp: Well, it depends on the lawyer you talk to, the ones we have been talking to say it applies, and we felt pretty comfortable with that.

Ms. Bryden: You mean that if the City of Toronto suggests 20 wards, the Minister must insist all those be in.

Ms. Kemp: You have to ask the Minister that.

Mr. Polsinelli: Point of order.

Madam Chairman: Yes.

Mr. Neumann: Page 2, under division of the Metro ward, sub-section 4 - in accordance with Section 5 A, each area municipality should be divided in a number of Metro wards equally to the number of metropolitan councils, provided in the Municipal Act, prevents crossing boundaries, anyways.

Madam Chairman: Thank you, that is the end of my list. I have two items. Some clarification on the advertising resolution from yesterday and we have the Minister scheduled for almost an hour ago. It is up to the Committee which one we would like to discuss first.

I assume the general consensus is that we hear from the Minister and give the floor to him.

Hon. Mr. Eakins: Thank you, Madam Chairman and Committee Members. I would like to take this opportunity, for a moment to make a few very brief remarks with respect to the legislation that you are considering.

First, I consider this legislation as very important. The issues faced by Metro Council are too important to budget, the budget it administers is too big to be dealt with by councillors whose time is divided and by a chairman who may never have to face the electorate.

It has been suggested here that more consultation is needed. I would like to remind the Committee, that the legislation before you is based on the work of the Task Force on representation and accountability of Metro Toronto. All six Metro Municipalities, Metropolitan itself, participated in that Task Force.

The Task Force report released in 1986 was circulated for comment to all municipal councils within Metro, it was widely publicized. It was available to any member of the public with an interest in Metro Government.

There are no surprises in this legislation but takes into account the input we have received during that extensive consultation process. And these requirements have the support of most of the six area councils.

The suggestion has also been made that independent commissions should be set up to establish new ward boundaries.

Who could be better qualified, for this task, than the municipalities themselves, in consultation with the residents.

I understand that the process is already well under way

across Metro, but no indication of any particular problems, certainly indicated to me, since the process seems to be working, I would suggest that it be allowed to continue.

I can't emphasize strongly enough that the time for Metro reform is now. It has been discussed for a couple of decades.

In fact the Committee may be interested to note that it was more than ten years ago that the Royal Commission, headed by the Late John Robarts, recommended a major overhaul of the Metro's system of Government.

The Robarts report said and I quote:

"There is a general perception borne out in many of the submissions made to the Commission, that decision-making at Metro was a remote process, untouched by an untouchable for the average citizen".

So the Government of the day talked about reform but they never stopped as to why. And I believe that there has been enough talking and I believe, Madam Chairman, it is now time to act.

Madam Chairman: Thank you, Mr. Eakins. First question, Mrs. Marland?

Ms. Marland: Thank you. First of all, there is no question and nobody, I don't think anyone else's hearing has begged of the questions that there is need for improvement and there is need for change. Most of us are well aware of Mr. Robarts' comments and of the dates of them.

What we are here to discuss is where we are today and where we are today, after, as you have pointed out, in excess of ten years of discussions. We have a Bill that we see first reading on the 23rd of November and it is hoped to be enacted, I would guess, by whatever, the 15th of February. So suddenly, we have a process that is being culminated, very, very, quickly.

Now, I asked, yesterday, to the Ministry staff and in fact, some of my questions were answered by your executive assistant, not by the Ministry staff. And one of the questions that I asked, because I only received the Task Force report, Mr. Minister, from the November 1 of 1986 and I only received it yesterday, so I haven't read it. But I asked whether the Bill represented the opinions of the Municipality. And the answer that I was given was that yes, the outcome of the Task Force, the recommendations of the Task Force and the area municipalities were what resulted in Bill 29. Which actually sounds very good. Except, when I did get to read the Task Force report, last night.

First of all, I find out that it was not within their mandate to make recommendations. In fact, it says, in the Task Force report, that the role of the Task Force was to produce a document, setting out, under each of the topics, a range of options and an analysis of each. The responsibility for adopting a particular combination of options were ultimately that of the Provincial Cabinet and the Legislature after receiving the views of Metro Council, the area municipalities and the public.

What I am suggesting to you is that the process that we are going through now, is responding to the Bill, based on the drafting of that Bill by the Provincial Cabinet. What we are doing now is the review by the legislature and what we had hoped to do was a review by the public.

When you see the executive summary of options in this Task Force, you will also see against it, very clearly delineated and I quote:

"It was not the responsibility of the Task Force to present recommendations. "

So I would have thought that when the Task Force report came out, and as you have very clearly said, Mr. Minister, it was distributed to -- the Task Force report was distributed to the area municipalities for comment. I think that is what you suggested, which is a very logical process.

I guess the question I have to ask is why wasn't the Bill distributed to the area municipalities for comment and why has time not been allowed for the public process to take its due, whatever necessary, length of time was needed?

You also said this afternoon, that having the Task Force report circulated to the area municipalities, the idea was and you have your speech in front of you, I don't have it but you said something about the fact that that was the ultimate decision, would be after consultation with residents, and you said that is well underway across Metro.

Well, if the consultation with residents is well underway, across Metro, then I have to wonder why we are rushing this Bill through? Are we consulting with the residents in Metro and asking them what they feel with the contents of Bill 29, in the meantime, we are going to have it passed?

Hon. Mr. Eakins: For the consultation of course, the part of the ward boundary, there has been a great deal of consultation. In fact it has been two years since the Task Force was set up, in 1986. It was reported in 1987, it has had a great deal of consultation with the municipalities. There have been and this Bill does reflect the view point of

the municipal people. And the municipal people have held an open house, open meetings to discuss this with the public.

Ms. Marland: I am sorry to correct you, when I am referring to the consultation with the residents that you refer to in your speech, you didn't say that the consultation with the residents was on the boundaries. I thought that you were saying that the consultation was on the Bill.

Nevertheless, if the consultation with the residents is on the boundaries, that is fine. I accept that, because the boundaries still have to be established. But my question to you is why there have not been and well, you have just come back to it again and said that the municipal, the Bill, the municipalities were consulted on the Bill. I have to ask you how that was done.

I understand fully that the municipalities were consulted, were circulated on the Task Force report, but how were the municipalities to know which of those many options the Task Force looked at would be ultimately in the Bill? And once they were in the Bill, how was the Bill then set back to the six area municipalities to ask them what they thought of it? Even the Council, was that done?

Hon. Mr. Eakins: No, the residents have been appearing before this Committee, have they not? You have had some input at the Committee already, from some residents. And I will have input from the people. When we were putting it together, I announced in the House, the Metro Bill. It was, we consulted with the area clerks. And they told us, at the time, that providing they have plenty of notice, they could put together all the necessary work that was necessary, as long as they had advance notice.

The day after we spoke with a number of clerks, we announced the Bill into the House, in order to give them as much time as possible to do the necessary work.

At the first opportunity, once the, in fact, the day the Bill was approved or the statement was approved by cabinet, I introduced that into the House, in order to get as much leave time as possible. And following that, if you know the process, the following must go to the Legislative Committee, before it can be presented into the House. And as soon as that was completed, I did that.

Ms. Marland: Well, the point is, yes, the municipalities, as I understand it, said that as long as the Bill was passed before Christmas, they would have time to implement for the 1988 election. However, they were not consulted again, when the Bill was referred to the Committee for these hearings. Now that the Bill is not going to be passed till February, my question is, do we now, from all

six municipalities, that they can still implement it?

We did hear this afternoon, I think, from Scarborough that they said they could implement it by 1988. But still haven't got the answer about why the Bill, why it contains the final decision and the final options that were taken out of the report, didn't go back to the municipalities before.

Hon. Mr. Eakins: The Bill was sent to the Mayors in December and I also met with the Mayors. And following that, the Mayors, even met with the Premier, on a split vote. They came to, and four of the Mayors did not support it and the number of the municipalities in which the Mayors even objected to some parts of it, Council did support it. And we certainly did send copies of the Bill to the municipalities on November 23.

Ms. Marland: So you are saying that the municipalities have had full opportunity for input on this Bill?

Hon. Mr. Eakins: And they are very supportive, most of them are very supportive.

Ms. Marland: Can we know what their comments were then?

Hon. Mr. Eakins: Actually, we have comments from what many of them have said. Four of the six Mayors are very supportive and some of the Board of Control, of the existing Board of Control are very supportive too.

Ms. Marland: Okay, well, then, may be to answer my question about the Bill not being circulated?

Hon. Mr. Eakins: It was circulated, it was circulated just as soon as possible. And in fact, we gave advance notice to the municipal people, the clerks could be doing their work and they assured us, at the time, that they could have everything ready.

Ms. Marland: Well, then what I guess I would like to know, Mr. Minister, is the opinion of the six municipalities, today, on February 2, that they can still implement it, by the elections, in 1988. I would like the answers to that question.

And I also would like to know from them, whether and you said, four of them are and four of them are not, if they are fully happy with the content of the Bill, since it is their jurisdiction. And if I could have the answers to those, that would be fine.

Mr. Neumann: Just one point. The Minister may not be aware that we tabled with the Committee, this morning, the update on the status of each municipality, in developing the work and it clearly indicates that they are well along --

Ms. Marland: Which is that?

Mr. Neumann: That was passed right along right after lunch.

Ms. Marland: This is all I got and this is a list of representation.

Hon. Mr. Eakins: While I stated that four of the six mayors support this Bill, I want to say five municipalities support it. Municipality of Etobicoke does support the Bill. If others have some concerns, and I am sure they will express that, but Council has supported it and it is documented.

Madam Chairman: Mrs. Marland, thank you.
Mrs. Bryden.

Ms. Bryden: Thank you, Madam Chairperson.

Mister Minister said that there seems to be so much confusion about whether the Bill actually spells out clearly enough that there are no wards, either area wards or presumably school wards, if one has the necessary, come under this, that should cross Metro ward boundaries, could your legal people study whether an amendment to clarify that is necessary? Because I think there is considerable confusion.

And I think they would like to clarify that no area wards or ultimately, school wards, should cross Metro boundaries.

Now, I know there is a problem with the school boards and I will deal with that in a moment. I think there should be a possibility of exceptions approved by the Minister of Education. But the main thing that bothers me is that municipal and school board electors and trustees are equally concerned about the criteria for determining area wards, under this new reform of the Metropolitan Toronto municipalities electoral system, generally.

And yet, Bill 29 serves only one group. You are only looking after the municipal people and you are failing the school board system. They want just as much a clear route set out for them for submitting proposals and then a clear set of criteria which we have set out under Section 5(a) for the Municipal Board.

I think the same criteria should apply to them and they want some indication of when the process ends and when your, whether you will have part of the approval process or whether the approval process will be entirely by the Minister of Education. That has not been clarified by the

Government.

And I think that in view of the the fact that municipal and school board elections are run by the City Clerk, and are run under the Municipal Elections Act, regardless of whether you are electing councillors or board members, that it must be done in tandem. And I would say that in addition to you having the power to approve area Metro wards and area ward boundaries, at the Municipal level, you and the Minister of Education should jointly have the power to approve school boards and Metropolitan School Board proposals.

But that it all should be done at the same time, by reviewing what has come in. So I was wondering why you could not amend Section 5(a) and just, where it says, the process for setting up Municipal Wards, just add, 'and school boards', whatever is appropriate.

But, actually our estimate is that the Council for drafting such amendments -- but I will be glad to show you more but I mean I think you should look at the principles right now, where the process should be spelled out; including the school boards in the process and including some authority to finally approve their recommendations, according to principles that will be laid out in this Act, within two to three months.

And I think that is what most people in this Municipality want, at both levels, as electors; as both kind of municipal officials and school officials, that we must not muddy the waters by leaving the school boards out in limbo, to work out their own problems.

There could be an exemption process put in that if variations are needed to accommodate the school boards. You and the Minister of Education will look at them and if he authorizes them, they would probably be accepted, as long as they fit in with the electoral process.

So I think we are failing half of the people, all the school board electors in this area, if we do not include, in Bill 29, a process for getting those school board boundaries settled at the same time, and in somewhat the same process.

Now, would you not consider an amendment?

Hon. Mr. Eakins: I disagree. I don't think there is ongoing consultations between the Education people and the municipalities. The Bill, there is a process and I feel that it is clear, the process. We have not had any indication brought to the Ministry or to my attention, that there is any opinion in doing this. And some areas, I understand it, have it pretty well solved.

Ms. Bryden: Have there been any public meetings in the school board area?

Hon. Mr. Eakins: We set out the process and the municipalities are to consult very clearly what the, with the Education people. They are the people who best know the boundaries and the area that they represent. The processes that the municipalities will consult. Municipalities are to make recommendations to the Minister. The Minister will consider the recommendations and the approval will be by Order-in-Council, so that if there are concerns, they still come to the Minister for confirmation and for Order-in-Council.

Ms. Bryden: Well, will the school board registrations come in through the municipal recommendations to you, relating to the school board recommendations?

Hon. Mr. Eakins: Yes.

Ms. Bryden: And then will you make the final decision?

Hon. Mr. Eakins: Yes.

Ms. Bryden: And then where does the Minister of Education come in?

Hon. Mr. Eakins: We are in very close cooperation with the Minister of Education and Health from the very start. We have got very close and we even instructed municipalities to work very closely with the school boards and we have not had any indication that this is not working. No one has come to, certainly to the Ministry or to myself and said that there is any confusion out there.

Ms. Bryden: Well, I guess you were not here but this afternoon, we covered, there was great confusion with the school board.

Hon. Mr. Eakins: Once the Bill was read, I think that we solved a great deal. But we set the process and I am satisfied that the process was fair and I think that there is anything better to recommend whatever the boundaries, the adjustments from the people who live there and the people who represent that area.

Ms. Bryden: Well, will you take into account the fact that the elections have to be held probably on the basis of fairly uniform boundaries and have you consulted whether it is feasible what they --

Hon. Mr. Eakins: It has been followed very closely and I can assure you that I will be looking very closely at it, we will have the recommendations out when I come in.

Ms. Bryden: Thank you.

Madam Chairman: Mr. Cousens.

Mr. Cousens: Madam Chairman, I appreciate the Minister finding time to come and share with us, as many people are doing right now.

The few questions that I have and may be I will just go through them all and may be the Minister can go down and make the responses.

The question I have is that one mayor has indicated in the response in the status of the ward that he has no problems with the timing of Bill 29 or the ward, in this summary statement. Has there been any others that have come in, indicating that they have no problems. That is one question.

The second one has to do with the level of the Ministry of Education was involved in the preparation of Bill 29. I am concerned that there is 46 bills that came in afterwards, before we came to 76 and the degree to which the Ministry of Education has been involved with the Ministry in the drafting and the implementation of this Bill is a concern and I would like the Minister to address it, if he would.

I am wondering as well, if the Minister could comment on the criteria he would be following when he is finally approving as the OMB will, in the future, when he is finally approving the ward boundaries that are submitted to him from all Metro Toronto. What criteria will he be using, or will he be actually just be saying whatever has come to him, he will give a stamp of approval to. If I could have a comment on some of the questions that I have touched on but I would appreciate his comments.

Hon. Mr. Eakins: What was the first question again?

Mr. Cousens: First question was Mayor Harris has indicated that he has no problems with the Bill. There are five other municipalities, no comment is made of the same type in the ward for Metro Toronto. Do you have similar statements for the other mayors?

Hon. Mr. Eakins: We have not had any indication of

any problems from the area, at the staff level.

Mr. Cousens: Can we get it in time, in other words, you are convinced that even one or the can we complete it in the time frame that is required?

Hon. Mr. Eakins: Yes, there is no problem.

Mr. Cousens: To which degree is the Ministry of Education consulted in the preparation of this Bill?

Hon. Mr. Eakins: I consulted with the Minister and the Ministry staff has been working very closely with the Administrative and Education staff.

Mr. Cousens: I guess from one looking on, it does not appear that way and I guess I will make that point some other time. What is your guidelines and criteria for the boundaries, when you look at them and do you just set up boundaries as they come?

Hon. Mr. Eakins: Representation by population, this is the way they have been established from --

Mr. Cousens: Will you make any changes to the boundaries that come in to you?

Hon. Mr. Eakins: I will take into consideration the wishes of the people who make those representations, following the guidelines in the Act.

Mr. Cousens: Will you be circulating the boundaries to members of your Caucus or to the members of the Parliament or to, when you get them, what is your action at that point?

Hon. Mr. Eakins: Well, I would want to put that pretty straight forward. I don't see any problem with them with the boundaries. I think they should be generally known by the elected people, what those recommendations are.

Mr. Cousens: I guess I will ask, to what degree are you going to, you look at those boundaries, and change them and influence them, are you going to have a thorough analysis, you have only got one criteria, representation by "pop", is what you said, but --

Hon. Mr. Eakins: Sure. Well, listen, the people who live in those areas know best the boundaries of their municipalities, that is why it is set up on that basis.

You will notice there is some criticism of whether there should be an independent commission. But I want

to tell you that just a couple of years ago, we went through the provincial boundary adjustment by Justice Hughes. I can tell you, you are probably one who may be not too upset in the legislative. There were many, almost all the members of the legislature had some questions and unhappiness with the boundaries that were established.

In fact, some ridings disappeared. In spite of that debate in the legislature. The Boundaries Act was passed and we have had an election since and people are living under it. I think you have to go by the guidelines that are set out. And if they carry out the spirit of the guidelines and the carry out the wishes of the people who live in that particular area, I think that we will come up with a pretty good answer.

Mr. Cousens: To whom will you be circulating the boundaries when they come in or will you be --

Hon. Mr. Eakins: It will be by Order-in-Council.

Mr. Cousens: So prior to the Order-in-Council, will there not be something where you have further, I mean what happens, the boundaries come in to you, and then they will be in the Ministry. You will give the approval, and it goes to the Cabinet, otherwise you are not going to be passing them on to Frank or someone else to check out.

I want to know the involvement. I think there is a real problem with the process. I am not satisfied.

Hon. Mr. Eakins: Those decisions are made by the Municipal Council. They will be made by the local people in public session and then are you going to accept those when they come to you? So, if you are asking me to accept, point blank, the point of bringing them to me for my consideration, let me look at them, and we will make that decision. The decision made by the municipalities are made in open public forum.

Mr. Cousens: What is your time frame of that decision-making process?

Hon. Mr. Eakins: You will be asking the completion of this within 30 days of the passing of the Bill.

Mr. Cousens: And at what time will you have the final approval, for the new boundaries, so that the people who are planning to run for public office in 1988 will know what the boundaries are going to be, within the whole of Metro Toronto. So therefore any person that wants to run, as you had with some of presentations, of Olivia Chow, someone who wants to run

in one of those places, when will they be able to find out what the boundaries are?

Hon. Mr. Eakins: Well, they will be brought just as soon as possible after that. There would be no delay, I can assure you.

Mr. Cousens: I am asking the dates that a person in Metro Toronto will know when the boundaries are going to be in place?

Hon. Mr. Eakins: Well, I can't give an exact date but it will be very shortly after we receive the final reports from the municipalities.

Mr. Cousens: I just want to follow this, Madam Chairman. The report of the municipalities will come to you when?

Hon. Mr. Eakins: It should come when, middle of March.

Ms. Bryden:: The Act says 60 days.

Hon. Mr. Eakins: Yes.

Ms. Bryden: After the passing of the Bill.

Hon. Mr. Eakins: But I am going to suggest that that is perhaps made 30 days because we have already been working on it. The Act, at that time, the 60 days was prior to it going to Committee. So we have lost the 30 days in coming to Committee. So we feel that since the municipalities had been working on that, that it is quite reasonable to ask that they do it in 30 days.

Ms. Bryden: Have you consulted them on that?

Hon. Mr. Eakins: Yes, no problem.

Ms. Bryden: And the school board?

Hon. Mr. Eakins: No problem.

Mr. Cousens: I am just trying to get some answers. The Minister will confirm that they should be as soon as possible. I would like to know when the date you are talking now, February 2, you will have the Bill completed and out of the House by next, by the 11th and you are saying that 30 days from then, all the municipalities should have or by March?

Mr. Bowers: That is what Mister Minister, I will suggest to you, that it would be no later than the end

of March. Of course, that depends on when the Bill is passed. If the Bill is passed next week, if you have a majority next week in the House.

Madam Chairman: Thank you, Mr. Cousens. Mr. Mahoney. Are you finished, Mr. Cousens?

Mr. Cousens: Okay, the Minister has made a commitment that the ward boundaries and the whole Bill would be in place, assuming it is passed next week, by the end of March.

Ms. Marland: Could I ask the Minister if he gets in writing, a response, from the three area municipalities, for the Committee, by Thursday morning as to their feeling about implementing it in 1988?

You said that you understand there is no problem. I am here representing the Metro ridings, as is Mr. Cousens, and so I think, I mean I could phone the mayors and municipalities myself, but I do not see it is my job to do that. So I would like something, I would like something in writing, Madam Chairman.

Madam Chairman: The mayors are going to be here tomorrow.

Ms. Marland: Are all the Mayors coming?

Madam Chairman: We hope that.

Ms. Marland: I have acknowledged that.

Madam Chairman: We are hearing from the --

Hon. Mr. Eakins: It is up to the municipalities to put it in writing. The clerks have indicated to us that there would be no problem in having everything in place for the 1988 election.

Ms. Marland: I am asking, how many of the mayors would we have heard from, by the end of the meeting?

Madam Chairman: We will have the Mayor of Etobicoke and the Mayor of the City of North York before us tomorrow. We will also have a representation from the solicitor of Metropolitan Toronto, a controller from North York and the Citizen's Group.

Ms. Marland: Okay, then I will rephrase my question.

Madam Chairman: We have two Metro councillors and two City of North York, one alderman.

Ms. Marland: Well, I do not think it is any problem to have the staff either. The ministry staff or the clerk of the Committee have, in writing, the response to the questions about implementation in 1988. If, at that time, if the mayors are here, we can ask them but it seems to me we are having two mayors and I am making a very simple request, I do not think it has to be a very big deal to have it.

Madam Chairman: There is no guarantee, of course, that the municipalities will respond to it within the time frame that you are setting to them.

Hon. Mr. Eakins: It is as bit of a chicken and egg, because the clerks had indicated clearly and formally, to the Municipal Affairs staff that there is no problem in meeting the deadline and they know about the proposed change from 60 to 30 days because of time delay. And however, for the clerks to formally indicate that, they I think, would be somewhat reluctant because it has to go through a Council decision and everyone knows.

Ms. Marland: And all I need to know as someone who has prodded the process of this Bill, is that it is acceptable to the area municipality for implementation in the municipal election in 1988. That is all I am asking for. I do not think it is a very big thing to ask for. And it is fine for to you tell me that the clerks have indicated, to the staff, that is fine. I am asking for something in writing from the six area municipalities.

Mr. Newman: Well, you have served on Council, you know that a clerk cannot confirm a decision unless it is passed by the Council. And Council will not pass the decision until they have the legislature pass the Bill and give the 30 days notice.

Mr. Polsinelli: Well, why do not you just pick up the phone and phone it in.

Ms. Marland: Because I do not see that as my job.

Mr. Polsinelli: The Ministry is obviously satisfied that the councils can uphold the time frames. The mayors are obviously not concerned because they have not made a point, there is no representation as such. If you feel that it is a concern, pick up the phone and call them.

Ms. Marland: The only thing I have in writing is that the staff spoke to the area municipalities when the Bill was introduced. And that there was no problem in implementation, as long as it was passed before

Christmas.

Mr. Polsinelli: We are going to have a member --

Ms. Marland: With respect, I have the floor. The point is I am asking, it is ten to 6:00, and that is an indication as to how this Bill is being pushed through. All I am saying is that if it is in the time frame for the area municipalities for the implementation date, Madam Chairman, than obviously I am not going to question the implementation date, if it is a feasible date for the area municipality. And I do not ask the clerk to do that, I am asking the mayor to, I was asking for a letter, for a letter from them, with the mayors' signatures of the six municipalities. I think that is a simple request.

Will I have that done?

Madam Chairman: This Committee, whether or not they agree with that. Mr. Mahoney.

Mr. Mahoney: On that particular issue, I think on the surface it seems like a reasonable request but I think that the point will likely be that the clerk is more likely the one to determine whether or not the machinery can physically switch over and be in place to run the election under the new guidelines, under the new legislation.

And I really doubt that the mayor is capable, frankly, of making that decision, without having a meeting with the clerk, without being briefed on what is required to make those changes.

So if there is any, I think your question is, is it not, do you want to do it. I think the question is, is it physically possible to be ready for these changes in 1988. So if any request would be brought, it would be upto the clerks as to whether or not they could accommodate it.

And I quite agree with the parliamentary assistants, that the Clerk in our Municipality would be very reluctant to put in writing, a statement that, sure, he could be ready for it without taking it before his Council. And so I think you are asking for what seems like a simple request on the surface but has pitfalls to it and creates complications that frankly are not necessary.

The area municipalities are all well aware that we are meeting. They will have been circulated. We have all been given a copy of a notice. If they had concerns about implementation, I would assume they

would be.

Madam Chairman: Thank you Mr. Mahoney. Mr. Farnan.

Mr. Farnan: I am frankly disappointed at the direction of the discussion because I think Mrs. Marland has put forward a very simple request, very straight forward request and the response is a 'Bunker' mentality. I mean, simply all we have had is a request from Mrs. Marland saying, a simple request saying, can we have, in writing, from the municipality, an agreement that they can meet the deadline. I think to suggest the clerk is the person that you will have to go to, that is totally inaccurate.

Not even the mayor, I think, can give that assurance. I think it has to be the mayor speaking who must give that assurance for council. And I am sure then that would require a vote of the local council that they agree.

Madam Chairman: Mr. Eakins is next and then Mr. Polsinelli.

Hon. Mr. Eakins: Madam Chairman, I just want to indicate that I have every confidence that this will be in place in all the municipalities. And I want to assure you that no one from the municipalities have come to the Ministry or to myself to indicate they are not prepared, nor could they be prepared for the 1988 election.

I am open to hear from any of them. We have met with the Mayors, even the mayors met with the Premier. There was no indication that the, that this deadline could not be met.

So I just want to say that I have confidence in the municipalities. I note from what I read and hear and in talking to the people, we are busy preparing for the 1988 election. And with that, what more do we do. But I have confidence in them, they will be ready and that everything will be in place.

Mr. Farnan: Madam Chairman, do we understand from the Minister's response, that his answer to Mrs. Marland is no?

Madam Chairman: That is correct. Mr. Polsinelli.

Mr. Polsinelli: I am a little confused, Madam Chairman.

I have only been here as long as Ms. Marland and

the experience I have been able to garner in the past couple of years, through committees, is that the ministry staff is not at the service of the Committee. That in fact, the Committee has a number of tools at its disposal which are in the care of the clerk. The legislative library, legislative reserve.

If the Committee is of the opinion that they would like further investigation on a particular matter, they have liberty to request of the clerk or the legislative assistant, legislative reserve, to do that investigation for them. Or they are free to do, through their own offices, through their own caucuses.

In this particular situation, the Minister, of Municipal Affairs and the Minister or Ministry staff is satisfied, through their consultation with the various municipalities, that there is absolutely no problem meeting the proposed deadline.

Such being the case, it would be redundant on their part, to satisfy some members of the Committee to get political letters from mayors saying that they can or they cannot. Quite frankly, I support Mr. Mahoney's position that the mayors do not know whether the municipality can meet the deadlines or not. It is the City Clerk, the Ministry is satisfied, through the City Clerk, that it can meet the deadlines.

Ms. Marland: Madam Chairman, then I am following on the last speaker's comments. I would then place a motion in front of this Committee, since we seem to have to get it so formalized. And my motion would be that the Clerks of this Committee be directed to contact the area municipality and request, in writing, the confirmation that there is no problem, as has been said between the staff of the Minister's office and the staff of the area municipalities, that there is no problem with the 1988 implementation of this Bill on the projected time, than it has been described by the Minister this afternoon, for implementation.

Madam Chairman: Can we have the motion. No. That the mayors provide, in writing, that whether or not --

Ms. Marland: That the area municipalities, I suppose, through the mayors' office, through the office, the area municipalities, through the office of the mayor, confirm in writing, that they have no disability in implementing the requirements of Bill 29, for the elections in 1988.

Mr. Polsinelli: They have the other recent report from the Municipality.

Ms. Marland: If it is in writing, I want something from the municipalities, fine, really, but it is not fair to your staff, for them, to be standing here saying that there is no problems with the municipalities implementing them. I think it is up to the municipalities to tell us that.

Hon. Mr. Eakins: So what do you mean by the municipalities, the Council?

Ms. Marland: I am saying, through the mayor's office. Now, obviously, if it is through the mayor's office, it is up to the mayors to decide how they are going to respond.

Madam Chairman: We have the motion before us. All those in favour of putting --

Mr. Mahoney: I would like to put in a question.

Madam Chairman: All those in favour of putting the question. Carried. The motion is now before us, all those in favour of the motion?

The motion is lost.

Ms. Kemp: Basically, all -- most of the information that I have been gathering is in the report we received today. The update on the municipal progress dated January 29.

The only other thing I have to report is that Etobicoke had this public meeting last night. They made a number of decisions. Basically there was a meeting of the Committee as a whole last night and they are going to propose to Council that the four provincial riding boundaries become their Metro boundaries in Etobicoke. And each one of those will be divided into three local Wards. One alderman or councillor per local board.

They have come up with four names, Metro Etobicoke North, Metro Etobicoke South, Metro Etobicoke East and Metro Etobicoke west.

They also dealt, apparently, with hydro commissions at that meeting. But I think that is beyond the scope of this particular meeting. But the point is that their person who is looking after this, and who will be looking after the elections, has made the point that there will be no problem.

The same thing with the people that I talked to in York, City of Toronto, East York has no problems, because there they are largely unaffected by this Bill.

I have tried to keep in contact with somebody in each municipality just so that if something is going on, we would know first and nobody has indicated that they have any undue problems. They have come back to me and said, are you aware of the Ministry of Revenue deadline and we said yes. And that is the reason for the memo that will be circulated reducing from 60 days to 30 days, the deadlines for municipalities.

But these municipalities, basically, have been on alert since November 23 and they started from way back then, to start moving toward getting local wards organized. And that is it.

Madam Chairman: Are there any questions?

Ms. Marland: I just want to state for the record that the status, the ward status, Metro Toronto update of January 29, 1988, goes through the six area municipalities, under only one, the City of Scarborough. Does it say Mayor Harris has written to indicate that he has no problems with the timing of Bill 29 or the ward distribution?

My request and my motion was simply to suggest that we would have the same thing from the other area municipalities. The author of this document, from which I have just read, Madam Chairman, is the member of Ministry staff and I think it is a thoroughly well put together document. I am simply asking that the other five municipalities furnish the same kind of letter as Mayor Harris has. I requested it of this Committee. That request has been turned down by the Committee and I think it is a significant point that this Committee turns down.

Mr. Mahoney: That is a point of order, the motion is defeated. It is not on the floor.

Madam Chairman: Mr. Polsinelli.

Mr. Polsinelli: Yes, it is shortly after six o'clock. Our time is to sit until 5.00. We have no authority to sit.

Madam Chairman: I did indicate to the Committee, prior to the Minister taking the floor, that there was a matter, re the advertising mater resoulution of yesterday that I would like to bring before you. That was brought to my attention, just prior to the Minister --

Mr. Polsinelli: You are speaking illegally. Perhaps we can adjourn and discuss that.

Madam Chairman: Adjourn and discuss, no. I do not think so.

Mr. Polsinelli: Well, you do not have any authority to sit after six o'clock, we do not have authority to sit.

Madam Chairman: I am sorry, I need an answer today because if I can, I will give you the information that I have been given late this afternoon. The papers were not able to print the advertisement as approved for Wednesday because they have a changed deadline time for Wednesday's paper. The first date that we can get the ads into the paper is Thursday.

Now, the public list generated on the discussion of advertising has resulted in more people obviously being aware of the Committee sitting and welcoming of more delegates and that has resulted in some calls and two more delegations.

We have two questions then before us. One is how does the Committee wish to proceed re the advertising? Do you wish to continue and put the ad in on Thursday or would you, do you want to recind the resolution to advertise?

And if you do wish to proceed with advertising on Thursday, how do you propose to proceed, re the scheduling of delegations beyond those we have already received? Mr. Polsinelli?

Mr. Polsinelli: May I suggest that we recind the resolution time to advertise and we accommodate two additional delegates first thing Thursday morning sitting.

Madam Chairman: You would deliver that motion, I think that is appropriate. Discussions on that motion from Mr. Polsinelli. All right.

Mr. Cousens: Is it then that the Committee, there will be no advertising, no additional meeting, that we --

Madam Chairman: The resolution only dealt with the question of advertising, it did not deal with the additional scheduling.

Mr. Cousens: You are saying there will be no advertising at all, the intention.

Madam Chairman: I am asking for a statement.

Mr. Polsinelli: My motion is simply that we decide not to advertise at this point and recind the previous decision, which is a simple understandable motion.

And secondly, that any additional calls that we have, with respect to additional deputants, that we accommodate first thing, Thursday morning.

Now that is based on a number of factors, one of them being that the earliest that we could get the advertising in, is Thursday. And Thursday is the day that we are scheduled to start the clause by clause day.

The second factor being, as I found out after we had that hour and a half discussion on advertising is that in fact the sub-committee had been posed --

Mr. Cousens: Point of order, Madam Chairman. There is satisfactory evidence --

Madam Chairman: Mr. Polsinelli has the floor.

Mr. Polsinelli: We have a motion on the floor, Mr. Cousens, you can chose to believe or not believe that in fact the sub-committee had been called. That is information that came to me through the Clerk's office. And in fact, I understand that Mrs. Bryden went through her consultation, had the Labour Council added on the list of deputants.

Now, whether your member recalled or not, is quite frankly, irrelevant, at this point. There was newly made information that was given to me. So the majority of this Committee, the number of parties in this Committee to have this Bill reported to the Legislature early next week, I would suggest that we deal with it at this point and deal with my motion.

Madam Chairman: Thank-you. Mr. Farnan.

Mr. Farnan: Yes, presuming that Mr. Polsinelli's motion were to pass, after discussions, and there might be a likelihood of that, is there a possibility, I mean obviously there were two more delegations that obviously read in the newspaper that there was some discussion. And I suspect there may be somebody else tomorrow morning who reads in the newspaper that the continuing saga of this Committee is going on. So basically, we may get another couple of calls tomorrow morning. Will Mr. Polsinelli's motion allow for those people, who call tomorrow morning, to be added on Thursday?

Madam Chairman: Would you be willing, we can deal

with it, we can declare that it is very open to receiving delegations and I do not think they want --

Mr. Farnan: That is what I wanted to hear.

Madam Chairman: Mrs. Marland.

Ms. Marland: Madam Chairman, with respect to rules for procedure, I would respectfully suggest to Mr. Polsinelli that his motion be one motion that the previous motion be recinded and you place a second motion that additional deputations be heard on Thursday morning.

Mr. Polsinelli: I do not --

Ms. Marland: Well, I beg to differ, Madam Chairman. I cannot place a motion to recind a previous motion. If you look up your rules of order, that has to be a motion on itself.

Madam Chairman: I will refer to the clerk for clarification. Thank you.

Ms. Marland: If you are going to repeal something or recind something, it is has to be a motion on its own.

Ms. Bryden: I want to support hearing the delegations on Thursday.

Madam Chairman: We have a motion to split the question. All right. The motion from Mr. Mahoney is to split the question. I think we all understand the question before us. All those in favour of splitting the question?

The motion is carried.

If you concur from now, we will now move on to the motion. I think we all understand it. The first question is record and recind.

All those in favour of recinding the resolution to advertise?

The motion is carried.

All those in favour?

Opposed?

All those in favour of hearing the deputations on Thursday morning?

The motion is carried.

We have a unanimous on that.

The Committee will make a decision based on what comes forward. It has to be a decision of the Committee, when the Committee sits.

Mr. Mahoney: Just on that point, the agenda was laid out that you were allotted time up to Friday noon, if necessary and I am sure most of us have made arrangements based on that. So I would be prepared to come back on Monday but I am not prepared to sit Friday afternoon.

Madam Chairman: We are now adjourned until tomorrow morning.

---The committee adjourned at 6:15 p.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT
MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT
WEDNESDAY, FEBRUARY 3, 1988
Morning Sitting

STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: Stoner, Norah (Durham West L)

VICE-CHAIRMAN: Mahoney, Steven W. (Mississauga West L)

Black, Kenneth H. (Muskoka-Georgian Bay L)

Bryden, Marion (Beaches-Woodbine NDP)

Charlton, Brian A. (Hamilton Mountain NDP)

Daigeler, Hans (Nepean L)

Marland, Margaret (Mississauga South PC)

Matrundola, Gino (Willowdale L)

McLean, Allan K. (Simcoe East PC)

Owen, Bruce (Simcoe Centre L)

Ray, Michael C. (Windsor-Walkerville L)

Substitutions:

Cousens, W. Donald (Markham PC) for Mr. McLean

Farnan, Michael (Cambridge NDP) for Mr. Charlton

Faubert, Frank (Scarborough-Ellesmere L) for Mr. Daigeler

Polsinelli, Claudio (Yorkview L) for Mr. Ray

Clerk: Deller, Deborah

Clerk pro tem: Manikel, Tannis

Witnesses:

Individual Presentation:

Jakobek, Tom, Councillor, Ward 9, Metropolitan Toronto

From the Ministry of Municipal Affairs:

Neumann, David E., Parliamentary Assistant to the Minister of Municipal
Affairs (Brantford L)

Lesurf, Michael, Director, Local Government Organization Branch

Individual Presentations:

Gilbert, Richard, Councillor, Ward 3, Metropolitan Toronto

Berger, Milton, Councillor, Councillor, City of North York

Rust-D'Eye, George H., Solicitor, Metropolitan Toronto

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON GENERAL GOVERNMENT

Wednesday, February 1, 1988

The committee met at 10:10 a.m. in committee room 2.

Madam Chairman: Ladies and gentlemen, if we could start the meeting.

Ladies and gentlemen, there is a new agenda, there are some changes, trading of time slots by some of our delegates, and the addition of the two additional delegations on Thursday morning.

The first item of business today is delegation from Mr. Tom Jakobek, Metro Councillor.

It is now ten after ten and we have allocated half an hour per delegation. If the delegation would like to allocate their half an hour, whether you want to speak for the whole time, or you want to leave some time for questions from the Committee, so that we are not holding up all the other delegations that are lined up behind.

Mr. Jakobek?

Mr. Jakobek: Thank you, Madam Chair.

I should say, first of all, that I am speaking just as a person who participates in the Municipal election process, and certainly not on behalf of my Council, although I think many of the sentiments that I will bring forward are shared by, I feel, many of my colleagues in the other municipalities.

I have a written submission which I will be submitting either today or tomorrow. I am sorry, I did not bring it with me today, but certainly I will make it available to the members of the Committee.

There are really three things that I wanted to address. First of all, let me just commend the government, in my opinion, for taking this type of action, to show some leadership in trying to deal with the important question of how things should be governed municipally. I feel my initial reaction was one of concern, having gone through what we called direct election two and a half years ago. But having seen the results of that direct election, certainly there is always room for fine-tuning, always room for reform.

I believe that, in general, what we are talking about today is a reform. So I commend the government for that and

I feel that your Committee should as expeditiously as possible bring forward the fine-tuning or recommendations to implement direct election as it is set out.

First of all, the practical implementation. I do feel that there is a concern regarding boundaries, election boundaries. I can see that a number of members have all sorts of maps which are being produced in the City of Toronto, the City of Toronto having the biggest problem in that it is going from eleven wards to eight wards, Metro that is, and the complicated aspects that go with it.

It is true that we have a number of positions, two of them being staff positions, two of them being political positions, but generally speaking, I guess what I have found sitting on the City's Committee which is looking at this and listening to the public depositions is that there seems to be a need for a process to be set up either now or in the future - I would probably argue now - but even in the future, to allow for a proper, independent commission to be set up just as you would have provincially or federally, where over a two or three year period they would consult with the local communities, consult with the local councils and come up with election boundaries which are, shall we say, impartial.

I do not think it is too late to do that, although if the Committee and if this government feels strongly that we should go ahead, then I would hope that they would at least put something in place in the future. Certainly long after I am gone.

In terms of doing something now, I feel that it could be done.

As you know, and I mentioned, this is the second time for direct election in the City of Toronto. In the election of 1985, I think it was May or June, we received word that the government had passed direct election legislation which meant that currently in the City of Toronto, there are eleven wards, two people were elected, and the person with the most votes became the Metro Councillor, which meant that they sat on the local and the regional council.

I was in that position and was the Metro Councillor at the time.

After direct election it clearly - although there was some confusion in the public as to what they were doing or how it worked - there clearly was a better understanding of the issues because of the fact that I was running for that position which entailed both councils.

I understand that you want to take it a step further and that you now want to separate the councils completely,

creating an autonomous and independent Metro Council. That is an additional step, I would say to you, from what we originally had.

Given the fact that the City of Toronto has a form of direct election in place, one that has had some problems, some serious problems, I think we should look at how we deal with the other municipalities which are part of the Metro Toronto before we start taking a second step like the City of Toronto, like we are proposing for the City of Toronto.

So I think we should look at the possibility of whether or not there should be some phasing of the implementation.

I also think that in saying that, that there should be some consideration given to consistency in the Province of Ontario. I think it is fair to say, if it is good for Metro, it should be good for all the other municipalities, in that clearly if you want to target Metro as being the guinea pig or the starting point, that's fine, but I think you should have a long-range goal of reforming the entire municipal election structure. I would urge you to look at that in a long-term basis.

That is what I have to say about the practical implication.

What I really feel strongly about here is that sometimes we in government - and I put myself in that position - look at a problem, attempt to tackle that problem, take a shot at that problem, and to a certain extent miss the bull's-eye. I think you are accurate. I think you are close. You are certainly on target here. But I think there is one point that maybe we are not hitting and that you, in this Committee, can address. That is the question of accountability.

I realize that one of the prime arguments of this is accountability -- ensuring that those people who are in those municipal offices, are elected to those offices, clearly understood by the public as to what office they are being elected to, what their responsibilities are, and thus being held accountable for those offices.

I am a member of the Toronto Transit Commission. I have been a member of a number of boards and commissions. So when I give you the list here of the sort of things that I am concerned with, I hope you will take it as someone who has actually been there and seen how it works on a day-to-day basis.

In Metro alone you have the Toronto Transit Commission, the Metro Police Commission, the O'Keefe Centre, the Zoo Board, the Licencing Commission and Exhibition Place. These are different independent boards and commissions that

surround Metropolitan government. In every one of those instances the number of elected people is far outweighed by so-called - and I use the term "so-called" - citizen appointments. That accounts for well over half of our budget.

When you look at the magnitude of the Police budget, the magnitude of the TTC budget, you cannot understand why it is that in the TTC, for example, there are five members and I am the only elected person sitting on it.

I think if we talk about accountability, direct election, election reform, we should focus on this aspect. We should ensure that we do not trample on citizen participation, and yet at the same time ensure that the people who are elected and who are held accountable for those expenditures are running those agencies or boards or commissions. Certainly that would add to the workload that needs to be created to justify this new government.

So I would hope that somewhere we would be looking at amendments or changes, in a legislated way, to force these newly-elected Metro councillors to seize control of those various boards and commissions, to be held accountable for those various boards and commissions.

I do not know how many people will say, when the next TTC fare increase comes up, well, it's the TTC Commission, it's not me that sets the rate. Clearly it is you, the politician, who is indirectly setting the rate, but you have got a screen in front of you which blocks the people from you, and that is called the TTC. And that goes with every board or commission that I have sat on at Metro, every one of them.

If you really want accountability, if you really want to make those boards and commissions, which account for what most of Metro does, accountable to people, then force the political representatives to be there.

I tell you also from another point of view, as a member of the nominating committee which appoints citizens at the City of Toronto level, you can have your cake and eat it too. You can still create and develop committees and substructures which allow for citizen participation in all those areas. You do not have to necessarily put them on these various boards and commissions.

Please keep in mind, and I do not want to elaborate on it further, but the citizen appointments are so-called citizen appointments. The average citizen is not going to have the mechanism to be able to go on these various boards and commissions. So you are not necessarily protecting John Smith or Betty So-and-so who happens to want to go on a particular board or agency, unlike in the City of Toronto

where on the sub-level or this committee level you can do that.

The last thing I wanted to talk about is the concept of this new Metro government, and the restrictions I think, or the reins, that need to be placed on this Metro government now by the province to protect the interests of the local municipality.

Some of my colleagues who have committed themselves to running for this Metro government are already talking about their grand visions of the new Metro structure -- their grand visions looking at the possibility of controlling or regulating zoning, controlling or regulating fire services, controlling or regulating health services, things which have traditionally been community-based.

Clearly, I think if you are going to create this new Metro government you should try to put on some restrictions or some form of restriction which ensures or encourages and protects the integrity and the strength of a local municipality.

I do not think you want to take municipal government away from people. I think what you are trying to do is put it back into the hands of the people. In doing so, the best level of government will always be the local council, City Hall. I would hope that we would ensure that Metro cannot trample on that sensitive ground, that Metro government will not try to take over City Hall's function as a local, easy to reach, easy to get hold of municipal form of government.

You know, I cannot help but talk about that and at the same time talk about some of the comments that the Minister made, which I agreed with, about the need to look at the cost-efficiency, the need to keep costs down.

My colleagues at Metro are not thinking in those veins. They have grand schemes now, we are going to go from salaries which are just above and in the range of \$10,000 to \$20,000 to \$57,500 each. We are going to be looking at each getting a personal secretary, each getting a personal assistant. We are going to be given X amount square of feet of office space, which is already exceeding the \$8-million dollar mark, and we are going to be getting computer systems in each office. It is a grand scheme.

In fact, I just heard one recently talking to me about, well, I am just waiting to find out what kind of cars we are going to get. I know this sounds very humorous to you, but it does come across to me as somewhat appalling.

I know my former colleague, Mr. Faubert, who knows this very well, can understand the need for Metro Councillors to have some backup assistance. Obviously it was ridiculous

for him in his case to have to come from the City of Scarborough and work with 39 other people in a room that was 10 by 12, with no secretarial assistance and no research assistant.

So again, there is a pendulum, and there is a need to look at the reform and look at how that reform should be spaced and how it should be governed.

I tell you that you will cost the taxpayers an enormous amount of money under the current proposal, not because of your actions but because of the actions of the new government trying to justify itself, trying to magnify itself, trying to become a government. I do not know what that will do to make it more accountable.

So in summary, I would just ask you to consider the following three things:

First of all, is there the possibility of phasing in this new direct election? Is it possible that, for example, you could get the five municipalities to adopt forms of direct election similar to the City of Toronto during the 1988-1991 municipal period. You could very easily force the Metro Chairman to be elected or to be an elected member from that Council. That could be and should be done automatically. I agree entirely with that concept.

Secondly, please remember about those boards and commissions. Remember about the accountability argument. It is the strongest one for this reform. I would not want to see it sidestepped because we missed the target.

Thirdly, consider the possibility of putting on restrictions to Metro government which will ensure and protect the integrity and the strength of the local municipality.

Madam Chairman: Thank you, Mr. Jakobek.

Mr. Cousens?

Mr. Cousens: You began your remarks by saying you were "just speaking for the public". Anyone that comes with the kind of enthusiasm and intent you do, who serves the public as well, do not use ever "just" when you are presenting, because it is a far deeper quality to what you are saying. I just see what you have done and what you do as a Metro politician as really maintaining the sacred trust. So I thank you for your presentation. But do not put yourself down because I think you are doing a great job.

Mr. Jakobek: Thank you.

Mr. Cousens: I am concerned about how you would ever

have any kind of bridging in of what we are trying to do. I am having real trouble as an MPP in coming up with an amendment that says, put it off to 1991, when in fact as you say, it is not a bull's-eye, but it is close to it. I am in support of the reforms and in support of intent. The one extreme is, you put it off, which is a disappointment to Metro Toronto, so we have an amendment that does that, and yet if there was some way of phasing it in so that we began to achieve some of the objectives that are within the bill, then I would be happy.

I do not see how that can be done. I think that you are raising a question, but I do not know how that physically or any other way could be done so that you just do that.

They are doing it with the boundaries, and badly, but how do you do it with some of the other things? I just do not know.

Mr. Jakobek: Well, first of all I think what you do to start off with, and I take that as a question, and my answer would be, first of all, that you pass a motion unanimously and you give it the final reading that in fact there is going to be direct election, period, end quote. In 1991 the election is going to be a direct election.

Secondly, you appoint immediately an independent commission to review all the boundaries, like you would provincially or federally, which we expect is a given, and that that commission have its report one year minimum, one year in advance of that election in 1991.

Thirdly, to try to let people know that you were serious enough about it, that you did something, certainly those two tell you that you are going to get it, we have waited how many years now for this to happen. It is here now. We can deal with it.

Thirdly, I guess, I think most people seem to target the chairman's position.

You can easily say that the next Chairman of Metro Toronto in 1988 has to be an elected member of the Council. You could probably go even a step further, although I would caution you, and I can agree with your comments about being hesitant in saying, that you may not separate the two councils at first, you will leave the City of Toronto, for example, where it is because it is already a form of direct election. Remember, if you look in your Minutes, the provincial House passed unanimously, all three parties passed unanimously, direct election for the City of Toronto in 1985.

But you could abolish the Boards of Control in the other five municipalities and bring forward a form of direct

election similar to what the City of Toronto currently has.

It is the separation of members from Metro Council and City Council that brings in a whole gamut of other questions.

Mr. Cousens: Yes. Thank you.

Mr. Jakobek: But there are clearly a number of things that you can could go ahead and do to perserve the integrity of it.

Mr. Cousens: Thank you.

Madam Chairman: Mr. Mahoney?

Mr. Mahoney: Thank you, Madam Chairman. Maybe the councillor can help me with a couple of items.

You talk about accountability and you referred to the Police Commission. My understanding, with our recent change, that is now seven -- four provincial members, three Metro members. There is no one else.

Mr. Jakobek: No, I am sorry. I should have brought that up and I should have flagged it as being an excellent example of what you can and should and have done.

I would like to say to you, though, that I gave you the example of the TTC. On the Licencing Commission there are three members, none of them are elected people currently. On the Exhibition Place I think there are only three elected members of a Board of twelve. On the Zoo Board again I think there are two or three elected members on a board that is close to a dozen. On the O'Keefe Centre there is a board of seven.

Through my actions, as a matter of fact, and because we had the legislation available, we increased that from three members out of seven to I think five out of seven, which I think is more reasonable.

But again, the TTC is only one out of five.

All these boards or commissions, I should say, would all require amendments to the Metropolitan Act. You would have to amend the Metropolitan Act, to redefine it, to either say these are all going to be elected people, which I think is probably justified, or that the majority have to be elected people, or that the membership is up to the individual Council.

Mr. Mahoney: Well, would you agree that perhaps while there is some very good merit in your argument in that regard on accountability, that perhaps Bill 29 is not the

area to deal with that. That if we are going to amend the Metropolitan Toronto Act, that perhaps that should be subsequent action, hopefully at the request of Council, the the new council that is elected, rather than just unilaterally coming down and say, here, Metro, here is how you are going to run your show.

I think as a past municipal politician on both the regional and local government, I think we would take great offence at any provincial government dictating to us something like that without an awful lot of dialogue.

Mr. Jakobek: The answer to your question, straightforward, is no, I disagree entirely. I think the Minister's comments, I read the speech several times, the Minister's comments, I think the government's reason for this reform is because they feel that there needs to be a more accountable Metro government. Accountability, accountability, accountability.

I do not believe you can have that accountability unless you put these newly-elected Metro people right up in the forefront.

I do not think my colleagues should be allowed to hide behind a TTC screen. I do not think my colleagues should be allowed to hide behind a Board of Governors of Exhibition Place. I think they should be up in the front line, the firing line. I do not think it is an offence to them to suggest that they should have to do that. I think it is part of the reform package. I think it is part and parcel of what you are trying to achieve.

I suggest to you that if you go ahead with direct election as proposed and make no changes to those various boards and commissions, you have done absolutely nothing about accountability, other than you have clarified probably better to the voter as to who they are voting for, but that is not going to necessarily mean that they can be held directly responsible for.

Mr. Mahoney: You referred to a number of issues and you named three, your concern about this. Let me make a comment before I go on. You referred to it as a new government. Metro government exists. We are not creating a new government. We are just simply realigning the methodology of electing and the setup of that government. I do not see it as a new structure that is being pulled out of the blue.

You referred to concerns in three areas, zoning, fire and health, that the regional government, the Metro government, may try to take over from the local.

Is health not now under Metro? It is local? In our community it is regional, that is why I ask the question.

Mr. Jakobek: No. There are local boards of health and it is a local jurisdiction.

Mr. Mahoney: Is there some report that would indicate? Are you just talking about bravado or backroom talk that they are going to take over the zoning requirements under the Planning Act, this kind of thing? Because I am not seeing that as an indication.

Mr. Jakobek: Let me say, first of all, I hate like heck to come to a Committee when you are sitting there and I say, no, I disagree with you. But I do believe it is a new government. I have sat on Metro for five years. It is somewhat different than other governments, and I believe that it is a different concept altogether.

Metro today is a melting pot. It is a federation of municipalities. You have got members from North York Council, Toronto City Council, who sit in their local council meetings, who know what is going on in their local council, who have their viewpoints of what is going on in their local council, and you come to Metro to share that, and to look at ways that that we can coordinate better and save taxpayers' money. We coordinate water services, sewage services, TTC services, those which need to be coordinated, and leave alone those areas which the local municipality can best handle and those areas that the local municipality should decide on.

I get very concerned when I see a new government, which is somewhat different, which may have people who represent that municipality, but who are not going to be in touch and are not going to be sitting on those local municipalities.

The mayor only, I have got news for you, I do not share the same opinion as my mayor. I am sure that other people do not share the same opinion of their mayor. There are different characters, there are different viewpoints.

If you get the twelve members or thirteen members to Metro Council from the City of Toronto, we all differ. But together we add up, I guess, or we can bring forward the sentiments of the citizens of the City of Toronto. I think some of that is going to be lost. It may be for the better, it may be for the worse, but I think it is going to be lost.

So I think it is a new government, and it is going to be a new mentality or a new thought that is going to come out of Metro.

Yes, some of it is backroom talk, some of it is practical. Metro is challenging and has been challenging zoning in different areas.

It bothers me to think that if I live in the City of

Toronto, the great Beach Area, for example, and from North York, someone at Jane and Finch or somebody up on Shephard and Yonge is going to be deciding what is good for my backyard, I do not really think that is appropriate. I sometimes do not think it is appropriate for someone in the west end of the City, let alone someone up in North York, or Scarborough, or wherever. I do not think it is appropriate for me to try to put my views on theirs.

Municipal government and the things we deal with in municipal government are very sensitive, very local and very much important to be kept as a local autonomous body.

So I suggest to you that it is a new from of government, that there is some push and there will be a push for them to create work, for them to create new areas, costing more money, and these are some of the areas they are going to hit on. I do not have it in front of me right now, but there are many examples of where Metro is going into this, moving in this direction now.

Mr. Mahoney: Thanks, Madam Chairman.

Do not feel bad about disagreeing with me, by the way. A lot of people around here have lately.

Madam Chairman: Thank you.

Mr. Black?

Mr. Black: Councillor, I am interested in the concerns you expressed regarding the functions of the new Metro council, as you see it, and the functions of the area municipalities.

I see nothing in Bill 29 which is going to make any changes in terms of areas of responsibility. In other words, if there is a trend for Metro to take more responsibility onto itself, am I not correct in suggesting they can do that within existing legislation, and that is a concern you should be addressing, not a discussion of Bill 29?

Mr. Jakobek: I guess what I am basing my comments on is that for every action, there is a reaction.

Currently what you have is a group of people who sit on local councils, and they are meeting in a federation or a setting that is close to that. Quite often the argument will come up and what will happen is someone will make a suggestion and someone will say, that is for your local municipality to decide. And people are very strong in that because they sit on their local municipality and they respect and they want and they demand the autonomy of the local municipality.

You are changing the players. I predict half of the people will be new faces next time. These players are elected to a Metro government, are responsible to a Metro government. They may come from a certain area, but they are responsible to a Metro government.

I feel, I think it is inevitable that that is going to cause a new outlook on how things should be done and how the responsibilities should be divvied up. I think given that given that, and realizing that that in fact will probably occur, or that there will be that change in the thought of those Metro Councillors and their actions, that you should considering defining what you think Metro government should or should not be involved with, or at least giving a statement that it should not in any way, shape or form, take away from the autonomy of the local council.

I know that it is easier said than done and I know that I am not giving you the exact definitions of how you should do it, but, quite frankly, I think the point is there.

I think the point I am trying to make is that we should not allow this new government, which will be new, which will be different from the current government, to start off without giving it a clear statement that says, do not interfere with the local municipalities. Coordinate, better it, sure. But do not interfere with the local municipalities.

Respect the fact that zoning will still be a local decision, and that health services, et cetera, et cetera, will still be local decisions. Do not start getting off into building major area rec centres. Do not start getting off on doing other things which we do not feel are successful.

Mr. Black: I still have difficulty in understanding how that is going to change as a result of Bill 29, I am sorry.

Let me address another question to you. You expressed a concern, or I believe you expressed a concern, that the people who are elected to the new Metro Council will not in some way represent the people as those who currently sit on Metro Council do. I am having some difficulty in understanding how you can arrive at that position.

Mr. Jakobek: It is very simple. When I go to my Metro Council meeting, like I did last night until one o'clock in the morning, I am at the meeting and I am looking at things in terms of how this particular item in front of me affects my community, but I am also looking at how it affects my municipality, because I sit on a local Council, I sit through the whole meeting. I am part of that meeting, I am part of that Council.

Let us go two years from now. Let us say I run as a Metro Councillor and let us suggest that maybe I am fortunate enough to be elected. I am now sitting, I am representing an area somewhat similar, although much larger. In fact, in my case it will be almost the size of the entire borough of East York, and I have the interest of my community, I also have the interest of my Council, which is Metro Council. I have no relationship to the local Council at all.

Now, Tom Jakobek might have some relationship because he served on it, he knows it, he is aware of it. But what about my replacement? What about everybody else's replacement?

Ten years from now all the faces are different. Probably none of them, or very few of them, will have sat on a local Council. There will be a certain out of tune - I know it is a difficult concept for you to conceive if you have not been a member, but if you can picture yourself currently sitting on both Councils and therefore having a strong relationship with your local Council, and that being gone, one cannot help but believe that that is going to have some effect on the way and the outlook you are going to have.

Mr. Black: I think the argument can be made that that may not necessarily be negative, that at the present time when you sit on two different Councils, you do in some cases find yourself in a conflict of interest. I am not suggesting you personally, but I believe a councillor can find himself in a situation where his more parochial views of the local municipality may affect his judgment in terms of what is good for the overall Metro organization. That certainly happens on other municipal organizations.

Mr. Jakobek: Sure.

Mr. Black: Thank you.

Madam Chairman: Ladies and gentlemen, I would just like to comment that we have now run our half hour and I still have four more speakers. So in the effort to achieve fairness in the Committee, I would like to make sure that everybody has the opportunity to ask their questions, but that they ask them as concisely as possible and that the responses be as concise as possible, because we are now backing up the other delegations. That depends on everybody's participation in keeping to a tight schedule. So please bear that in mind.

Ms. Bryden, you are next.

Ms. Bryden: Thank you, Madam Chair.

I think Mr. Jakobek has drawn to our attention the fact that there is nothing in the bill about special purpose bodies, and I think it is a very important area of Metro government reform. Perhaps the Committee, when we get into the clause-by-clause stage, may consider your comments and other suggestions as to how the special purpose body should be appointed and other roles determined. So I congratulate you on bringing that forward.

I think also you have to recognize that the committee has a dilemma. There are many people we know in Metro who want Metro government reform as quickly as possible. There are others who are very disappointed that there was no independent commission to set the boundaries, and how to reconcile those two is very difficult.

I think it may be possible at least to include in the legislation a more defined method of independent review of boundaries for the next election. But that is the only way that I can see that we can resolve that dilemma and not delay Metro government reform. So that that is just a comment.

My one question, Mr. Jakobek, is that you have mentioned accountability as being very important, and rep by pop is another one of the principles that we all consider very important. But of the four proposals that are before the City of Toronto right now, which all the members have on their desk also, there is considerable deviation from the rep by pop presentation, and there is a variation in option A from 65,000 to 81,000, in option B from 62,000 to 87,000, in option C the same variations, and option D from 62,000 to 82,000.

I know the Council has not decided on which option, although the public hearings I understand mainly favored option A, which is the smallest variation in pop of the Metro wards.

Do you have a preference for any of the options yourself or have you made your decision yet on which one you will support in the City Council?

Mr. Jakobek: Well, currently, members of this Committee, I should say the following: the current structure in the City of Toronto is eleven wards with populations roughly of 51,000 people in each constituency or each of the eleven wards, and you have two people who sit on City Council for each of those eleven. It is quite a workload, believe it or not.

Under proposals A and D (the City of Toronto has four options), you have a situation where the average number of persons per ward is 41,000, down 10,000 from what you

normally have, but you only have one representative for that ward. So you cut the number of representations down by one or in half, but you have only dropped the population by one fifth. It creates a problem for a workload.

There has been some discussion and some suggestion that maybe we should look at increasing the number of City Council members, and we are confined by the legislation that you propose telling us exactly how many Metro wards and we have to fit things in those Metro wards, so therefore, there has been a suggestion that maybe we should have instead of two City wards in one Metro ward boundary with populations of 41,000 each, three City wards in each Metro boundary with populations around 31,000, which is a little bit more than half of what we had before, and that is why there is a variation.

Madam Chairman: I think preference was the question.

Mr. Jakobek: I think there is a very good argument in a balanced way if possible, by some sort of representation by population of having a system similar to option B and C, which basically call for smaller City wards.

Madam Chairman: Thank you.

Ms. Bryden: Just one follow up. Option B and C do provide for three ward councillors in B and three councillors in two wards in C. Wards eight and five in C and eight and five and three in B would be with three Council representatives, whereas the other wards all get two.

Is this proper, democratic representation to have three quite a bit larger wards that get three members and get three votes and --

Mr. Jakobek: With all due respect, this is the mess you have put us in and this is exactly what the result is. If you can understand the fact that what you are asking us to do is to allow a City Clerk's Department and/or Planning Department, many of which people are politically appointed, to draw the lines as they see fit, and they are not the experts, they are not an independent commission that will go out and find the information and be able to interview people and be able to look at the players, or if you ask us to draw our own boundaries, which is what we are, in essence, doing, then you are going to get the diversity, the mess and the sort of inequitable situation that you have.

None of those options, in my opinion, are supportable, A, B, C or D.

My biggest argument is that if you have a problem with it, and I defy anyone to tell me that any one of those

options is that great, then I would suggest that you go and look at an independent commission that can take two years, like the provincial and federal ones do, to come up with some reasonable boundaries.

I just would like to say in answer to that, Madam Chairman, I am sorry to drag on, but I want you to realize that the City of Toronto's zoning now in the railway lands near the Dome Stadium allows for, and has been approved by all the provincial agencies, a population equal to the City of Kingston. Okay.

Madam Chairman: Thank you, Ms. Bryden.

Thank you, Mr. Jakobek.

Three more people on the list. Mr. Faubert, Mr. Owen and Mr. Neumann. Please be as concise --

Mr. Faubert: Very quickly. Tom has already answered two, and the second one was the one related to the boards and commissions.

Mr. Mahoney raised a very good point, that it would be up to Metro, I believe, to be requesting amendments to allow certain legislative changes because certain boards and commissions have statutory requirements of appointments. So I think that falls within the purview of Metropolitan Council. I expect that when they look at it, when it shakes down, that process will take place. Do you not agree that that will happen?

Mr. Jakobek: No.

Mr. Faubert: No?

Mr. Jakobek: Let me say just say that Metro didn't ask for direct election, you gave it to them, and Metro isn't asking to be held more accountable by this change in these different boards and commissions. But I suggest you should give it to them.

I should say that the only difference in that is the fact that there is a written request from Metro regarding the TTC to increase membership from five to seven by adding two more elected members, and I support that. That is something that has been on the books. We requested that several times and we have not got a response yet from the Minister as to whether or not they would allow us to do that.

But I would suggest to you, to come back to that, they did not ask for direct election, you feel it is necessary, you are basing that necessity and that action on accountability, and this is the only way you will get that

accountability. Do not wait for them to ask you. Tell them they are going to get the accountability.

Mr. Faubert: Without being argumentative, Madam Chairman, but on that basis, they did, Metropolitan Council did ask for representation on the Police Commission. They asked that legislation be changed so they had the majority. That was the first position of Metro.

Mr. Jakobek: They do not have the majority on the --

Mr. Faubert: No, but that was clearly their position.

Do you not think that Metro Council, once it is in place, will look at this aspect? That appears to be a consensus in Metro now.

Mr. Jakobek: Sure, if you want to take that approach you can. I am just saying to you that my understanding was that the reason for all this was to increase and to do something about accountability.

I am suggesting to you that while you are looking at it and you are going to be making all these changes to the Metro Act, you could very easily put forward an amendment that gives Metro the option of doing that later on if it wants to, okay?

Right now your legislation prohibits them from increasing those body memberships to elected persons. Open it up and give them the opportunity, then you will get what you want. You will not be telling them what to do, but you will be giving them the option of doing it.

Mr. Faubert: The last point, the suggestion was made by Councillor Jakobek, which is a reasonable one in looking at it, but that was that you should have a province-wide system. In other words, what is good for Metro is good for the province.

The problem is, as you can appreciate I am sure, if you saw the length of time it took to have a consensus on Metro, how long do you think it would take to get a consensus across Ontario?

Mr. Jakobek: Well, you solved this one pretty quick.

Madam Chairman: I do not think he can answer that time frame, so I will move to Mr. Owen.

Mr. Owen: All my questions but one have been asked.

Mr. Jakobek referred to the fact that some of the future Metro Councillors are looking at increasing their stipend by 400 per cent. Of course we have traditionally allowed local

municipalities to set their own earnings for carrying out their job. In the past there has been an accountability then to the local ratepayers if they have not kept it within line.

I am wondering, in light of what you have said, Mr. Jakobek, are you proposing that the province usurp the setting of salaries? Is that what you are suggesting?

Mr. Jakobek: No, sir, I am not and I guess all I was doing by that is to show you how the statement was made -- I am just going really by what the Minister's statements were, and I assume that what the Minister's statements are, the direction and the flagrance of why this recommendation is coming forward. One of the comments the Minister made was it would be more economical or that it could would not cost taxpayers more money. That unfortunately is not the case. I am not blaming the Minister for that, it is the individual elected members.

Mr. Owen: But they are still going to be accountable to their --

Mr. Jakobek: But there will be an accountability, you are right. But I wanted to let you know what the end result will be.

Mr. Owen: We will see if your crystal ball is correct.

Madam Chairman: Mr. Neumann?

Mr. Neumann: I think most of the points I wanted to make, Madam Chairman, have been made.

The only comment I would make on behalf of the government is that we recognize, with respect to your first point, that there are diversities, considerable diversities across the province, that local government needs to be tailored to take account of those differences.

For example, the province last year approved direct election of the new regional chairman for this year in Hamilton-Wentworth region-wide. Hamilton-Wentworth is considerably smaller than Metro. So what makes sense there may not make sense here.

In the same way there is a reform of county government under way, a review of county government underway, and even so, counties do vary, and while there are similarities, they do vary in their individual structures to take account of local circumstances.

Madam Chairman: Thank you, Mr. Jakobek.

The next delegation is Councillor Richard Gilbert from

Metro Toronto.

Mr. Jakobek: Thank you very much.

Madam Chairman: It is now 10:55, which puts us way behind schedule. I would ask everybody please again be concise. Let us get back on track. There are other people who have great difficulty in making these schedules up and they will not be able to appear before this committee if we do not get back on track. Thank you.

Mr. Gilbert: Thank you, Madam Chairman. I am here of course representing myself, but let me just mention a couple of positions the Toronto City Council has taken. You are aware of the Metro position which led to the legislation.

But Toronto City Council has taken two positions at different times; one is that what is proposed here is not the main issue that is facing this region, and that it should be deferred until the government has addressed the question of coordination, and indeed government for the whole of the Toronto region, from Oshawa to Oakville and north beyond Newmarket. I will come back to that point in a minute. That position was taken by Toronto City Council with a very large majority, I think it was 17-5.

A later position, when you announced precisely the form of the legislation that was taken by Council by a narrow majority was that you should defer implementation until 1991.

I think probably, but this is my judgment, that if that vote were taken again, that it would probably fail by a narrow majority.

There is a third concern that I should represent to you, it is not one for necessarily including in this legislation, but our City Clerk has a concern that if the legislation is implemented as presented now, or is enacted as presented now, it could not be implemented. There are some technical problems.

Unfortunately, I could not get the details, to bring them here, but in terms of the relationship with the Municipal Elections Act and maybe other legislation, maybe the Municipal Act as well.

I would hope that there will be contact made at the staff level, with the local Clerks, to make sure that what is enacted can be implemented.

The main problem seems to be timing. This legislation, as it was proposed in the fall, could have been implemented if it were passed in December, but now there is a timing problem, and I hope that can be sorted out.

I initially opposed this legislation at this time for the reason that I suggested earlier was Toronto City Council's reason, and that is that it represents some small changes to Metro government which will continue, and that is not the issue. The issue is coordination across the region. There are some matters that are extremely urgent, matters such as waste disposal, coordinating the seventeen public transit systems in the region, social services, the distribution of affordable housing, certain problems to do with education, even matters that may be coming up very shortly such as management at the airport, which the federal government wants to divest, and the continuing problem of coordination of infrastructure.

I was very pleased to see that the government has responded to these concerns in the throne speech, and that Mr. Fleming has been appointed, and he is a good person to do that job.

I have had a number of discussions with Eric Fleming and I am satisfied with what he is doing, although I am a little bit concerned about the pace. I think there is some concern for urgency here, and I do not think his mandate reflects that.

As I said, I have changed my view about this legislation. I always thought it was a good idea to have direct elections in Metro, as long as you are going to have Metro. I thought at first that this legislation would impede the eventual sorting out of this region from a municipal governmental view. Now I see it as an evolutionary stage to that.

I see it essentially as producing some instability in Metro. I agree with Councillor Jakobek on this point.

I think that when you set up a government, a municipal government, a two-tiered municipal government where the councillors are essentially not on both levels, then you will have conflict. We have experience of that from Winnipeg in the 1960s, an enormously fractured situation that eventually had to be disbanded and a new form set up that did not have that built-in conflict.

Of course that will be worrisome and difficult for the people on the two councils. It will not be serious. But you are setting up something here, something that I think is sure to fail, it will not last very long. Not fail in a spectacular way, but it will have a limited life, and that is good, because then I hope we can move to a regional government that reflects the whole region and is not simply for parts of the region.

I think we are in the same situation in the Toronto

region as we were in the late 40s and early 50s when the regional difficulties were so great around the City of Toronto, that it was necessary to introduce a two-tiered government, and introduce Metropolitan Toronto.

We are now in a fairly parallel situation to that. I believe if the regional matters are not sorted out, then the economic and the social viability and livability of this area will begin to fall.

Observers from outside of Canada, from outside of Metro, have already made this observation. I was talking last year, for example, to a veteran planner from the New York City region, John Keith, whose wife is from Mississauga, and he has often visited this area. In fact, in the 1960s he used to fly up plane-loads of municipal politicians from the New York area to see how wonderful our system of regional government was, as it was. He does not do that anymore. He said that his view is that maybe we are already passed it, that we have failed to get our regional act together.

I am more optimistic. I think we still have time to get our regional act together, but I think time is running out.

So I see this form that is being set up now as an interim stage, and it is certainly better than what we have now when you consider Metro alone. It is better in a number of respects. It is better because it is simpler, and because it is simpler it is more accountable. People simply do not understand the Metro government now.

In fact, I would imagine that a majority of the employees of Metropolitan Toronto do not understand the Metro government now. It is almost impossible.

It is more accountable for that reason. It is more accountable because people will have directly-elected representatives. It is a better format because people will have more time to spend on these very important regional issues, even though their view will be circumscribed by what are now very artificial boundaries of Metropolitan Toronto. They will still be dealing with the regional issues more exclusively, so there will be less chance of us getting into a mess on waste disposal or some of the other matters.

A minor but not insignificant point, we will get away from the bizarre aspects of the present legislation where anybody in the world, even Idi Amin, could be appointed Metro Chairman. And the Metro Chairman, like the Premier of Ontario or the Prime Minister of Canada will have to face some electorate somewhere if he or she wants to keep their job.

So this is better than what we have now, but it is not very good. We should get on and seriously address the

regional issues. This is being done by the government, and it is being done in an adequate way, but I do not think the pace is enough, and if you have an opportunity I would reinforce what Eric Fleming is doing to get that moving.

A couple of things that I think need addressing. One thing that has to be addressed is an old problem that has arisen in trying to sort out the local boundaries.

The Metro structure is clearly set out in the Act, and I do not think there are any squabbles with that at all. But there is some uncertainty as to what will be acceptable in terms of the local structure.

Now, the Minister has said, as I understand it, that as far as he is concerned, there should be an exact multiple of local wards for each Metro ward. Whether it is one or two or three, it might vary according to the municipality. But you should not have a situation where you can have in the same municipality a Metro ward that has in one part of the City three local wards and another part of the City two local wards. That defies any principle of representation by population because the Metro wards are going to be the same. And if they are divided by other than the same number within the same municipality, then the local wards will be of different numbers.

So I think you should put in there a neat amendment that simply says, it allows for local differences, but it says that the Metro wards can only be subdivided in the same way in each municipality. So that it may be one, it may be two, it may be three, or whatever it is, but it should be the same.

So I hope that you will make that small change, and it will sort out some confusion, and I think it will be reflecting what the Minister has said anyway and it will reinforce that principle of representation by population, which is at the centre of this legislation, and of course it is a principle that should be paramount.

The other thing that I think you should do, not to the legislation, but I think you should make a recommendation or whatever is appropriate, around a provincial commission that deals with municipal boundaries. You have put the municipal politicians of Metropolitan Toronto in a situation that no politician should ever be put in, and that is you are asking them to sort out their own boundaries. I do not think that should ever happen. It does not happen federally, it does not happen provincially and I do not think it should happen municipally. And there should be some kind of independent commission.

I hope this is the last time that the provincial government ever imposes that on a municipality, that they

have to work out their own boundaries.

I know that there are checks and stops, and it has to go to the Minister and it can all go to the OMB after the election, and so on, but in fact, nothing agitates municipal politicians, or almost nothing agitates them as much as working out where their boundaries are. If you had heard some of the bizarre debates that have taken place, can we include this building in this ward, and so on. It is absurd. It should be independent. I hope that that will be addressed by the government.

The other thing that I would like specifically addressed by this Committee is the matter of the legislation that has been announced but we have not seen it, on election financing reform. I believe that that is more important than what is being proposed here.

I would like to urge the government to actually bring that forward, and indeed, as far as possible, make it part of the same package. I know it is a different piece of legislation, but it is a very important thing. Matters concerning spending limits, donation limits, disclosure of donors and amounts, and so on and so on.

I believe the Minister has said privately to certain municipal politicians and certain officials in Association of Municipalities of Ontario, that -- I am almost finished, Madam Chairman.

Madam Chairman: This is not part of this bill, and we are really running tight on time.

Mr. Gilbert: Can I just say three more sentences?

Madam Chairman: Short sentences, please.

Mr. Gilbert: Yes, very short.

That a local option in terms of tax credits would possibly be acceptable, and I think that would be an important part of such legislation.

It is, as I say, at least as important as the matter of the reforms to Metro and much more uppermost on many municipal politicians' and citizens' minds, and that should come forward too.

Thank you, Madam Chairman.

Madam Chairman: Thank you.

Mr. Cousens?

Mr. Cousens: I will be very quick. The problems your

Clerk might be having, have they been reviewed with the Ministry staff, and is there a concern that maybe there would be difficulty to comply with the bill? Is that the feeling that is coming through from the administration?

Mr. Gilbert: Yes, that was the feeling about a week ago. I am very sorry that I did not touch base this morning as to whether there is --

Mr. Neumann: We had it checked.

Mr. Gilbert: Is it okay? Fine.

Mr. Cousens: The other one, the boundaries are a major concern of the amendments that our party has put forward, and we know the problems, but may I just ask, a suggestion, and I think you have said better than anyone has today, the possibility of having a consistent way of having representation to Metro and local Council. Would it be possible for Mr. Neumann to give some comment on whether or not such an amendment could be possible at this point? If you were listening ...

Mr. Neumann: Yes, I was. But I am not clear exactly on what kind of an amendment you are talking about.

Mr. Cousens: An amendment that makes some consistency. Mr. Gilbert made an excellent idea of it.

Mr. Gilbert: An amendment that would say that you can only divide the Metro wards into local wards in a uniform way within each municipality. So that you cannot only have one or two or three. I do not think anybody would have more than three. But one or two or three local wards per Metro ward, but it must be the same within each municipality. So you cannot have, within the City of Toronto, for example, some Metro wards that have only one local representative, others that have two and others that have three.

Now, you might think that is common sense, that you would only have the same number, but in fact that is not the way people are thinking.

Mr. Neumann: No. Indeed we believe that the legislation does permit that flexibility, our legal counsel has advised us of that. That is precisely what Scarborough is considering, because they are considering keeping their existing local wards and fitting them into the Metro wards. In other words, having the Metro wards be constructed from combinations of their existing fourteen wards. They are eligible for six Metro representatives, so they are trying to fit fourteen wards into six Metro wards. Because their local wards vary in population, given that they have given some room for growth of population, they feel they can do that and still achieve the guidelines for the 25 per cent

variation around the 75,000, still meet those guidelines. They were in here yesterday, I believe it was, with that information.

Madam Chairman: Thank you.

Mr. Neumann: Now, it is still the Minister's say as to whether that is acceptable in the final analysis.

Madam Chairman: Mr. Cousens, have you any more questions?

Mr. Cousens: No, that is fine.

Madam Chairman: Thank you.

Ms. Bryden?

Ms. Bryden: Thank you, Madam Chairman.

I am glad that Mr. Gilbert raised those important questions of an electoral commission, an independent electoral commission in the future and election financing reform in the future, but as soon as possible.

As far as your major proposal, that we do need coordination of planning, infrastructure, transportation, waste disposal, land use in the whole sort of golden horseshoe area more or less, certainly with Metro Toronto and its surroundings, are you proposing a super-regional government, another level?

Mr. Gilbert: Yes, I think that that is the logical way to proceed, as indeed Metro was created in 1953. I am not sure that people are ready for that politically, but we certainly have to move in that direction. As I said, I see this now as an interim step to that because of its instability.

But, yes, the only way to satisfactorily arrange coordination throughout the whole region is to have a government that does that. A government that would replace the existing five regional governments.

The alternative is less than satisfactory. The alternative is to have a series of special purpose bodies, one to coordinate transit throughout the region, one to coordinate affordable housing throughout the region, one to coordinate waste disposal throughout the region, and that is better than having no coordination at all.

The problem with special purpose bodies is that they tend not to be as accountable as proper governments.

Ms. Bryden: Well, I can see your point. But also a

super-government would be very difficult to make accountable and would have to have a whole new set of boundaries and electors and representatives.

Mr. Gilbert: Well, it would be no more or less accountable than the government of Ontario because it would be smaller than the government of Ontario.

Ms. Bryden: In my opinion it would be a fifth wheel, to add a fifth level of government.

Mr. Gilbert: Sorry, maybe I was misunderstood, Ms. Bryden. I did not say that we should put in another level of government. I am saying that the regional government, instead of being the existing five regions, should be a coalescence of those. So it would replace the present five regional governments.

But I am not advocating that now. What I am advocating is accelerated attention to that issue. As I said, I thought first that we should deal with that issue before we deal with the smaller issue of sorting out the inadequacies within Metro.

Now I am happy to support this and see it as an interim step. I think that is the way we are going.

Ms. Bryden: Thank you.

Madam Chairman: Thank you.

Mr. Owen?

Mr. Owen: Yes. I was going to ask about that as well. But in addition to that, other people who have been here have commented on the fact that you feel you are unhappy with setting your own boundaries and your own recommendation. You feel it leads to all sorts of problems. But we have literally dozens and dozens of municipalities across the province who do the very same thing and they determine which will be in this ward or this section or that section. And they are always complaining that the provincial government is doing too much to interfere with what they are doing.

Do you not see it is rather impractical to set up yet another streamline of civil servants to form a commission to do what, by and large, the municipalities have been doing quite well on their own for many decades? If others can do it, I am sure the intelligence and fairness is there with the people of Metro.

Mr. Gilbert: I am not suggesting that the Metro local municipalities will not be able to come up with boundaries. I am suggesting that the idea of asking local politicians to

adjust their own boundaries is perhaps not in the best interests --

Mr. Owen: But they always have and it has worked, by and large.

Mr. Gilbert: I am not sure it is working very well now in the City of Toronto. I think the result will probably be okay.

I think there are probably better things for municipal politicians to do, and the debates around boundaries can get a little rancorous and a little personal. I think it makes for good government when people who are part of the government are not voting on matters that are precisely in relation to their own interest. I think that makes for good government.

Now, the fact that you can --

Mr. Black: A point of order, Madam Chairman.

Madam Chairman: Mr. Black?

Mr. Black: I do not believe there is anything in the proposed legislation that suggested the elected municipal representatives need to get involved in determining boundaries. That is a decision that surely you must make. There is nothing that prevents you having your staff do it. There is nothing to prevent you having an independent commission within the boundaries of the City of Toronto doing it and let the municipal politicians stay out of it.

So you have opted to get involved as politicians. There is nothing in the legislation that requires you do that.

Madam Chairman: Thank you, Mr. Black.

Mr. Gilbert: You are quite right.

Mr. Cousens: A responsibility on government's part, that is what you are trying to tell us.

Madam Chairman: Mr. Owen, does that complete your question, your point?

Mr. Owen: Okay.

Madam Chairman: And, Mr. Black, yours?

Mr. Black: Fine.

Madam Chairman: I will take you off the list.

Mr. Neumann?

Mr. Neumann: Yes. A brief comment, a number of delegations have raised this question of the independent commission and used the federal and provincial as the model.

I believe that at the federal and provincial level, it is those levels of government which have established the commission to recommend the constituencies to the Legislature. The Legislature has the final say. So the politicians are involved in the federal and provincial level. Municipal governments could do precisely the same thing.

Mr. Cousens: That is not exactly our amendment.

Mr. Neumann: Indeed, under the present municipal provision under the OMB procedure, it even goes farther. Citizens by petition can initiate a review of the ward boundaries, which I think is a very democratic approach in the current municipal legislation.

Mr. Cousens: Were you asking a question or leading comments?

Madam Chairman: Thank you, Mr. Gilbert.

Mr. Gilbert: Thank you very much.

Madam Chairman: We appreciate that very much.

The next delegation is Mr. Milton Berger. The time is now 11:16.

Mr. Cousens: What you are doing is giving a speech at a time when we are asking questions. If Mr. Neumann is going to be coming into the Committee and making speeches on what the bill is all about, then we should start elaborating on what our amendments are. I would love to hear what he has to say, but I also think it is relevant to know that it is the seventh -- I question what Mr. Neumann is offering this Committee.

Mr. Neumann: Madam Chairman, I checked with other people who have played the Parliamentary Assistant role at a Committee, and in every case I have waited for the members to complete their questioning. I was told that in most cases it is not proper for the PA to ask the delegations questions. I have simply contributed information I thought would be helpful to the Committee on issues raised by the delegation, and I have waited until all of the members have completed their questioning to do it.

Madam Chairman: Thank you for the clarification.

Mr. Cousens: Madam Chairman, I would like to raise some

points that have come out of what Mr. Neumann has had to say.

Mr. Owen: Point of order, Madam Chairman, we have had an explanation of someone who has researched and explained why they have made a comment at the very end. Now, if Mr. Cousens is going to comment upon that, fine, it is appropriate. But if he is going to go into the points which are raised, he will have that opportunity tomorrow when we are going over it point by point.

Mr. Cousens: I am going to challenge the speaker.

Madam Chairman: If you have a brief comment to make, could you make it. But please bear in mind that we are now way behind schedule, and some people will not be able to appear before this Committee unless we get back on track, because they have very great difficulty in committing the time for delegation. Okay?

Mr. Cousens: I am very unhappy at the remarks that were made by Mr. Neumann which goes on and says one thing and does not refer to one of the amendments that we had and have tabled as part of the amendements of this bill.

Madam Chairman: We will deal with the amendments --

Mr. Cousens: Madam Chairman, I am making a point. And I only say that if we are dealing with the questions that are raised by a certain person and then they come along and -- let us try to keep this thing on track. And I sense a lack of balance on the part of the Parliamentary Assistant.

I am very pleased Mr. Berger is here and I do not plan to take -- I could but I will not.

Madam Chairman: Mr. Berger, the time is now 11:19. You are on the floor. I hope that we will deal with this within the allocated one half hour.

Mr. Berger: Thank you, Madam Chairman, I will not take that long, that is why I typed it out, so I would not go all across the walls.

Madam Chairman: That is including your time and the questioners' time, I am afraid.

Mr. Berger: Thank you for allowing me the opportunity to speak to you today with representation at your Council. But I wonder whether I should just save my breath to cool my soup. It seems more than a little bit odd a Select Committee is hearing our comments after the new legislation has been announced.

My many years of viewing the public process in action usually begins, not ends, with public hearings. I am even more amazed that you are hearing me today in the light of the fact that well before the issue was decided, as a matter of fact, February 24, 1987 I sent a letter about it to the former Minister of Municipal Affairs, Mr. Grandmaitre, a letter discussing the pros and cons of direct election to Metro. It was not even acknowledged, let alone answered by the Minister.

I do not know if I am taking up your time unnecessarily today, but I hope I am not.

If I understand correctly, there already has been a second reading on the bill, and I also understand you will reconvene for a third reading of February the 8th, which is five days from today. Therefore, it makes me wonder, since the barn doors have been opened and the horses have left, are you still interested in trying to get the horses back into the barn? But being an optimist --

Madam Chairman: Mr. Berger, there are opportunities to amend the bill, we will be coming to that. --

Mr. Berger: I do not know what you can do in three days. I know I am working in the municipal government and you were involved in the municipal government, and all of us who are here, and you know you do not deal with something just overnight. Three days for me, that is a big, important issue and just to go and do any amendments.

Madam Chairman: But to get to the point though, on the bill that is before us.

Mr. Berger: I am here, my position is status quo, and you will hear why.

You have probably heard arguments in favor of direct election for Metro government. Since every book has two covers, those favouring direct election I believe are the back cover. I want to present to you the front cover. As I have many years of experience on local and Metro governments, I feel qualified to submit the case for the status quo.

During my years of experience there has been frequent contact with the electorate within Metropolitan Toronto. Rarely has a case been made by other than politicians and some editorial writers and newspaper columnists that there is anything wrong with the present system of municipal and Metro government as it exists today.

I reject the often-repeated statement of self-interested politicians, that you need direct election because of accountability. As far as I am concerned, the word

"accountability" has been picked up from the dictionary, it is being tossed around by those advocating direct election who are biased by concerns for self-perpetuation.

Is it not ironic that the former leader of the Liberal party, Dr. Stuart Smith, in response to the Robarts report on the Royal Commission on Metropolitan Toronto, speaking on behalf of the Liberal Party stand at the time, said - and this is exactly the wording:

"The principle of accountability is satisfied by the representation system which requires all municipal politicians to be directly elected at the local level and then provides for indirect election to the second tier. Direct election would not improve the clarity of the electoral system by two fields of candidates running in the municipal elections."

I suspect that every citizen would find the system more confusing.

Another quote from the stand taken at the time's states:

"The Liberal Party rejects a centralized federation of Metro for the following reasons: It would create a full-fledged fourth level of government, would diminish the status of all six municipal councils, making Metro a preeminent level of local government, and in my view" -- that is what he says -- "a government of approximately 2.2-million people, representing 26 per cent of the province, is just not local anymore. It would result in greater cost and less efficiency because of the economies of scale."

I am stating something which you yourself, your own government (at that time you were not in government, you were in opposition), has stated that, and I do not know if that has changed today.

Have the local philosophies changed at this time because you are a government now? Those are questions I would like to know. I am making a presentation, but I would also like to know where you stand in the future when you come up with your recommendations.

Accountability is there, we are willing to admit it instead of passing the buck. The reason for those advocating direct election is not, I believe, because it will improve municipal government, or more importantly make an informed electorate, again it is for political ambition and personal egoism.

To distinguish those who are vocal about accountability, think about the following question: The present membership of Metro Council is 39 members, of whom 31 are directly

elected. Do you honestly believe that because of eight members who are elected by their Councils, a new, costly, huge bureaucracy should be set up?

I personally believe that the taxpayers of Metropolitan Toronto, if well-informed, would not wish that to happen.

If you take the time for a personal survey at any main street in Metropolitan Toronto and ask, do you believe we should have a direct election to Metro Council or change the system as it now stands, and to be fair, also mention the annual cost involved, people will look at you as if you were talking to them from outer space. It is a non-issue.

The City of North York had a public hearing in regards to direct election, and out of a population of 565,000, 17 people showed up to make presentations, and some of these 17 people, were former political candidates and assistants to former politicians, and some were people who have ambitions to become politicians in the future. That is the people who showed up, from 565,000.

I understand the City of Scarborough called a public hearing and nobody showed up.

Etobicoke called for a public hearing and one person showed up. That is how much of an issue it is.

I do not believe that the often tiring, repeated statement that Metro's budget - I do not want to say, well, look at all the budget Metro has and they need somebody, full-time Council. I do not believe that often tiring, repeated statement Metro's budget is so large, at the present time it is between a billion and a half to two billion dollars, and therefore it needs a full-time Council. The figure sounds impressive. But it is not because Metro is involved in additional large programs. The budget is increased every year because of normal inflationary costs, like any other business or any other government.

The previous budget could have been eight hundred million to a billion and maybe up to a billion and a half, it is for the same items and not because of additional programs.

Anybody who follows Metro Council's business knows that after the budget is prepared and approved, it takes three months at the most, the largest portion is allocated to various commissions and boards, TTC, Police, Library, Zoo. There is then very little left over for full-time Council to spend.

Even with the present system of Council, which should take various commissions and committees to manage, which you heard people say, and the boards and commissions like to

take over and keep themselves busy. There is adequate time in the day to meet for these committees to deal with additional responsibilities.

Why I am saying that it could take on these additional responsibilities is because if you have ever followed Metro Committee meetings and you happen to arrive 15 minutes late, most of the committees have adjourned, over, completed, period. So it is not an extra burden they couldn't take on.

Have you ever stopped to think of the extra cost of having a separate full-time Metro Council with no extra benefit for the taxpayer of Metropolitan Toronto?

At the last Metro meeting discussions were held, where it was brought out that just to set up the new Council members' facilities, the part-time, just the temporary ones, we are talking between between eight and ten million dollars, and that did not include mail, whatever other costs are involved. I would like to know if that is what you are trying to bring in?

May I remind you that Metro was originally created as a configuration of municipalities to share resources, services, and those functions which cannot logically be assigned to a local level. For example, sewage treatment, waste disposal, policing, public transportation, social services.

Remember, it was never meant to be another level of government. The Metropolitan Toronto system of government has created one of the finest infrastructures of any city in the world. Metro's record of achievement is unparalleled in the Western World. It is the envy of many, as evidenced by frequent visitors from abroad who came to see what makes it work. Why change it? It has done all that with a system that exists.

This is not to say that the system of Metro government is perfect. It can perhaps be strengthened by some administrative changes, but by and large the present system has served the citizens well at the local and Metro level.

If you want to be truly sincere with yourself and make sure that the public at large is informed in what is involved, cost benefits, you will find that the people in Metropolitan Toronto do not care whether the Metro government remains under the existing system, but you will find definitely they do not want another full-time level of government to be established.

It is my opinion, again, that is the politicians and not taxpayers who seek the change to their own advantage. Direct election is a make-work project for ambitious professional politicians, introduced under the guise of

accountability and representation.

Thank you very much.

Madam Chairman: Thank you, Mr. Berger.

Mr. Cousens?

Mr. Cousens: Just one question, Madam Chairman. I really appreciate our Councillors from Metro Toronto coming and sharing their views with us. I think it is excellent.

I would like to ask a question. At the beginning of your comments, sir, it had to do with like the cart before the horse. Here we are in the last week. If you were in a position to have done it differently as far as process is concerned, knowing that we had this report released last November and the legislation came in the 23rd of this November, and here we are now just ready to push it through. If you had been in the position of leadership at the provincial level, how would you have carried out this legislation or process for change?

Mr. Berger: Let me put this way: the ones who put those papers together -- the books you showed me there, are put together by politicians again, certain former politicians.

I would have gone out and asked the public at large here, called public hearings. I mean not only politicians. I am here because I was informed. But the public, what are they saying? We spend their money, but nobody asks them if they are willing to spend it. They do not know what is involved.

Tell them what is involved, what this whole report is all about. Not only the report we are going to set up, I am unaccountable. Big deal. I am accountable. I am the first one they call and I am accountable, it does not matter where I am. The call me at home or call me, whatever. And it is going to be the same thing.

I am telling you right now, that the Metro member will not be accountable at all, because to me, who pays the bill is the one that plays the tune. The taxpayer is getting a bill from a local municipality and the tax bill comes in and it is big, the first thing, he calls you and says, damn it, that tax is up, what the hell are you doing? He is going to call Metro Councillor? They send you a bill like the Board of Education, what are they going to do?

That is accountability? That is not accountability. They are going to account -- Talking big, it is accountability, spending my money. But accounting for the public at large, and that is when you should have called the

public in and told them exactly what is involved, what it would cost them, what is involved, are you interested in direct election on that. Tell them all the facts.

Madam Chairman: Mr. Mahoney?

Mr. Mahoney: Well, I quite agree with Mr. Berger in general terms that going to the public and getting this issue out is important.

I would just like to point out, though, and not in a defensive way, because I am a little puzzled by your statement, sir, that in three days we are dealing with the bill.

As you know, there was a report by the former Premier Robarts over 10 years ago, that this document that Mr. Cousens has shown you is dated November, the document itself is dated. So the work was done prior to that, fourteen months ago.

The makeup of the Task Force is Mr. Fleming, who I am sure you are familiar with, Municipal Affairs, the Clerk of the Borough of East York, the EA to the Mayor of Scarborough, Clerk of Etobicoke, the EA to the City of Toronto Mayor, the Deputy Clerk of York, the Special Assistant to the Chairman of Metro, and others. And there have been public meetings that have taken place.

This document has been available, and I really think it is unfair. I think some of your points are valid, but to suggest that we are dealing with this in some kind of a public vacuum in three days is really not accurate.

The bill has been prepared for this Committee to deliberate on and we have a number of amendments before us that we will be dealing with ultimately before we adjourn this sitting, before we adjourn this Committee, but there has been extensive public participation.

The fact that they are not interested should not really surprise you, because people in general have a lot of other things on their minds other than regional government, and it does not really shock me.

But I think that this government and the governments of the six municipalities involved here have really done everything that is reasonable to get this out to the public. So I would just take strong exception to your comment about three days. Thank you.

Madam Chairman: Thank you, Mr. Mahoney.

Mrs. Marland?

Mrs. Marland: Thank you, Madam Chairman.

Alderman Berger, how long have you been a member of North York Council?

Mr. Berger: Twelve years.

Mrs. Marland: Twelve years. That is a lot of experience.

I appreciate your being here this morning and I thank you for putting forth your point of view.

The question that I have is to know whether or not as a member of North York Council you ever saw this report. It is a report prepared by the Task Force on Representation and Accountability in Metropolitan Toronto. It has been referred to; it was released in November 1986.

Our understanding is that a member of the Task Force of your staff, it was Mr. Melvin S. Winch, Special Assistant to the Mayor, City of North York, our understanding is that this report was circulated to the six area municipalities.

Have you ever had the opportunity of seeing it and did your Council ever discuss this report? Was it brought to the attention of Council or to a committee of Council in North York?

Mr. Berger: Yes, it was brought to Council, it was dealt with in Council.

I have seen the report, most of us have seen it, but again, if I recollect, because I asked Mr. Winch, who was North York's representative there, did he come to this conclusion from this report. He says they told him this is what it is going to be and be prepared and work with the best system you can work out.

It was not a case of asking what is best, should it be a direct election, should it be anything at all. They said, this is the system, work out the best system. Are you agreeing to the following?

I think Mr. Fleming maybe led them into -- and led them how to go about it, and they just followed the advice.

But I do not think that it was the wishes of the public or the people. They were not even people who were involved enough to know what all the issues were. They didn't have public hearings.

Mrs. Marland: When North York Council dealt with it, and it is significant what North York did because that is a very large - I guess it is the largest borough -- City,

sorry, I was about to correct myself -- the largest city of the six. When they dealt with it, was it dealt with based on a staff-prepared report to Council, then Council just approved the staff report?

Mr. Berger: We had a committee, it was a special Committee.

Mrs. Marland: There was a special committee.

Mr. Berger: Committee that dealt with it, and recommendations coming into Council.

Mrs. Marland: Mr. Berger, on the Special Committee were there members of Council?

Mr. Berger: Yes.

Mrs. Marland: In fairness, probably some of what Mr. Winch told you, I am sure is accurate.

The point about this report and what we have been dealing with in the Committee this week is the fact that this -- see, the point that you made is that we are dealing with a bill which was not referred back to the municipalities prior to its final drafting. What we have been told is that this report was referred to the area municipalities, and it was from this report that the bill was prepared.

My concern is the fact that a very healthy process was started by this report in terms of on the surface it looks like, go away, to the Task Force, go away and prepare a report that looks at all options, and come back with a report. And so that involved the public process in terms of the area municipalities.

From that report, the next step would be to, if there was a way of improving Metropolitan government in the Metropolitan Toronto area, if there was a way for improvement, it should be based on the study of this Task Force, because that is the purpose, on representation and accountability in Metropolitan Toronto.

If the intent of the Task Force was to prepare something that would be representative of the six area municipalities, my suggestion would have been that when you then take something out of this -- now you have to take something out of this report because the report, the mandate of the Task Force is very clearly laid out in the report. It says it was not the responsibility of the Task Force to present recommendations. That is very key. Because following on what you have just said was that the Task Force were asked to look at all options, which they did, but not make recommendations.

So this report is an analysis of all the options.

Now, I think everything went fine with the circulation of the Task Force in that report, and I am interested to hear what happened at your Council. Then this report comes back to the government and the government drafts a bill.

Now, I think that that is unfortunately where the system has fallen down. The drafted bill or a proposed draft of a bill should then have gone back to the six area municipalities for them to conduct their own process of public hearing.

I am not, as a provincial member, responsible for public hearings being held in local area municipalities. And having been a local area municipality representative for eight years, I know how very capable local municipalities are at holding public meetings on anything.

So when you are here saying that you are here after the fact, the truth of the matter is that you are correct.

So I suppose, and it is unfortunate because I have now gone into making a statement, Madam Chairman, when, respectfully, I know I should be asking Mr. Berger a question.

But what I would ask in closing then is, would you agree that the whole process could have been better completed if following the circulation of this Task Force report that the Ministry had gotten back to the six area municipalities with a proposed draft before it became a bill tabled in the Legislature?

Mr. Berger: That definitely makes sense, because the other one was not a proposal. It was just suggestions.

Mrs. Marland: Exactly.

Mr. Berger: When you come forward with a definite thing, you say, this is what I am going to do, what do you think about it?

Mrs. Marland: Right.

Mr. Berger: When I say would you like pink or yellow or red roses, it does not say that is what you are going to get. If you tell me a red rose, I can say I do not want a red rose, I want a yellow one. That is the difference.

Mrs. Marland: In fairness then, what could have happened is that the area municipalities could have held their public meetings and asked the public what they thought, which is what you are saying.

Mr. Berger: What is exactly proposed.

Mrs. Marland: Thank you.

Madam Chairman: Mr. Faubert?

Mr. Faubert: Unfortunately, Mrs. Marland has misinterpreted the process, but I will not get into that debate this point in the interest of time.

Madam Chairman: Thank you. You are just going to ask a simple, concise question of the delegation, right?

Mr. Faubert: I want to thank Councillor Berger for coming. Milton, we appreciate you sharing your well-known views to this Committee, because you have made them well-known at Metro and certainly in your own Council.

A couple of points here I would like to clarify though. You indicated there was some eight to ten million cost involved in this. Could you tell me who provided that figure and how was it made out?

Mr. Berger: The cost of what?

Mr. Faubert: Of making a directly-elected Metropolitan Council.

Mr. Berger: Right now we have to be out of -- new City or Metro Hall will not be finished until 1991. In the meantime we have to get out from this City Hall right now. There is no space.

At the present time the local Councillor who sits on Metro Council has his office or facilities and secretarial help at the local Council. Well, with direct election, who pays for all those people?

So now they are looking around for space, where are we going to go. We're looking around downtown, and it has to be within walking distance of the present downtown City Hall, and figures were brought out by the Commissioner of Property, the Commissioner looked around and got all the figures, the cost of moving everything out, the Chairman will have to move out, the Clerk will have to move out, and fixing up the facilities, and the fixtures and desks, and so on, and that is what the costs are.

Mr. Faubert: The decision to move to Metro Hall was made by the existing Council. Now you are talking about the interim costs of between now and 1991, the new Metro Hall.

Mr. Berger: 1991. This is another thing that I should have said in my comments.

If you do not need to make any changes, what was the rush? Where is the fire? I do not know any firebombs are coming.

Use common sense. You have a Hall, you are going to have a perfect place to go. Make an announcement.

Mr. Faubert: I have heard that argument.

Mr. Berger: You hold the hearings and then you move into it. This is another one of the things I cannot understand.

Mr. Faubert: You did not include in those costs the costs of salaries or the proposed salaries or the proposed salaries for the Metro Councillor's support staff?

Mr. Berger: The support salaries are included --

Mr. Faubert: That is really a transfer of costs. In one sense, though, do you not agree that a simply a transfer of costs, costs which were in large portion picked up by the area municipalities being transferred to Metro? Like the salaries of the controllers, support staff and controllers and everything else. They are being transferred now to the Metro budget. It is really a transfer within Metro.

Mr. Berger: It is not a transfer of the budget because of the simple reason I am talking facilities. I am not talking salaries. Facilities, I am not transferring, the facilities every municipality has, there to use for the member of Council who is there and also sits on Metro Council. Now you are creating additional.

Madam Chairman: You got your answer?

Mr. Faubert: I got the answer.

I was trying to figure out where the eight to ten million came. I have not seen a breakdown of that figure.

The second one. I just wanted to clarify one point.

Mr. Berger made a statement that Scarborough held a meeting and no-one came. I do not know where he got that information from. I sat in every single meeting that related to this, including the analysis and options, all the committee meetings that related to the direct election.

The lowest attendance we ever had at a meeting was 18, I believe. But in the series of meetings that we held across this, including that of Council, we had many, many people that made input to this, including representation from about 25 separate community associations.

Madam Chairman: Thank you for the clarification.

Mr. Berger: I am talking to that report, Madam Chairman. Nobody showed up in your Council.

Mr. Faubert: I do not know who told you that, probably Joyce Trimmer.

Madam Chairman: As the representative from Scarborough I think you have made a clarification point.

Mr. Polsinelli, you had a question?

Mr. Polsinelli: Madam Chairman, in the interests of time, I will pass. Thank you.

Madam Chairman: Thank you.

Thank you, Mr. Berger.

Mr. Berger: Thank you very much.

Madam Chairman: Mr. Rust-D'Eye, we are now working 15 minutes behind schedule, at 11:45. Mr. Rust-D'Eye is the solicitor for Metro Toronto. Welcome.

Who do you have with you?

Mr. Rust-D'Eye: With me, Madam Chairman, is Daniel Crombie, the Metropolitan Clerk.

Madam Chairman: Thank you. Welcome both of you.

We are trying to keep on a half hour schedule and allow time for questions within that time frame. Thank you.

Mr. Rust-D'Eye: Madam Chairman, I have been instructed by the Metropolitan Council, late last evening to be exact, to appear before this Committee on a matter really of a more technical and legal nature. You have already heard, and I am sure will be hearing, from political representatives of the Metropolitan corporation as to the desirability or otherwise of Bill 29. The Metropolitan Chairman I believe has discussed the matter with the Ministry of Municipal Affairs, and with the Premier in fact.

I am here really only on one relatively minor matter in one way, but from the point of view of the Metropolitan Council a fairly significant one. That is with respect to a particular effect of Bill 29.

Now, I would like to emphasize, Madam Chairman, that insofar as I am aware, and I have been involved at the Metro level throughout in this matter, until Bill 29 was

introduced in the Legislature, and I did not see a copy before that time, nor insofar as I am aware did any member of Metro Council see it, there had been no discussion of taking away the powers of the Executive Committee of the Metropolitan Council.

In the Task Force report there is a chapter devoted to the Executive Committee, and I think it is fair to say that that chapter, and all of the discussions and papers which took place prior to Bill 29 being introduced, dealt with the form and composition of the Executive Committee. I think if anything, there was an assumption that there would continue to be an Executive Committee of the Metropolitan Council.

Now, the Executive Committee of the Metro Council at the present time is composed of 14 members of Council, and the form of Executive Committee and its powers are set forth in Municipality of Metropolitan Toronto Act, and it states, there is a representative number of members from the area municipalities, including all of the Mayors at the present time.

Now, at the present time the Executive Committee has the powers of the Board of Control. Now, as you know, of course, the new legislation will remove the powers of area municipalities to have Boards of Control, however, the powers of a Board of Control are presently conveyed more or less indirectly by incorporation on the Executive Committee, and that means that the Executive Committee has a number of functions dealing with matters of contract, the award of tenders, dealing with the supervision of property transactions, dealing with the hiring and dismissal of certain senior staff and personnel, and particularly matters involving finance, the preparation of the estimates, considering reporting on area municipal debentures, the taking of steps to collect the revenue of the corporation, and the receiving of the annual estimates from area municipalities and boards and commissions.

In addition, the procedural by-law pursuant to powers conferred on the Metropolitan Corporation at the present time, primarily through the Board of Control analogy, the Executive Committee has powers in summer recess and at other major breaks.

Now, the Metropolitan Council at the present time is 39 members plus the Chairman. Under Bill 29 it will be 34 members. It will still be a very large Council.

Metropolitan Council, and this practice goes back a very long period of time, does take breaks at various times of the year for various reasons, including a two month break in the summer, although this year for the first time I believe there will be a summer Council meeting.

In any event, between Section 71 of the Municipal Act whose powers of a Board of Control are now incorporated into those of the Executive Committee and the procedure by-law of Metro, the Executive Committee at the present time not only has a number of administrative duties, but also has some delegated powers. These are powers of the type that I have mentioned, the traditional powers of a Board of Control or Executive to award contracts, and basically to carry on some of the essential functions of the Metropolitan Council.

Bill 29 will repeal the section creating a mandatory Executive Committee, will repeal the provisions setting up the composition of the committee at the present time, will take away all the powers of a Board of Control which could otherwise be exercised, be given by Council to the Executive Committee -- and will be replaced with simply a provision saying that the Metropolitan Council may have committees, including an Executive Committee, and specifying three relatively minor functions which can be delegated to the Executive, power to sell land declared by Council to be surplus, to object to the stopping up of an area municipal road, and to approve area municipal official plan amendments during the summer recess.

All other powers - and I mean powers in a legal sense - cannot be delegated to the Executive Committee. So, for instance, during the summer recess, the powers which Executive Committee now has, because it continues to meet during the summer recess, will be taken away.

I have been instructed by the Metropolitan Council to attend before you today, to request, and I have distributed a certified copy of the particular authority from Council, which as I say was passed last night although it has been in the preparation stage for some time, setting out the form of amendment which I am requesting today on behalf of the Metropolitan Council be incorporated into Bill 29. The effect of that, and it is set forth, if the members have the authority in front of them, the precise forms of the provision which I am requesting be inserted begins on page 4 of the Council report, solicited as Appendix "A", about halfway down the page, and generally it says:

"During the period of any recess" -- which are the summer and year-end recesses primarily -- "Council may delegate to the Executive Committee upon such terms and conditions as the by-law specifies, such of the following powers as the Council may deem necessary and expedient."

You will see it is the power to award contracts, to instruct legal counsel, to approve the paying or settlement of claims, to authorize expenditures and pay accounts for which funds are provided, and to deal with matters representing the employment of employees and servants of the

municipality.

Basically, Madam Chairman, that is the simple and only request which I have for you today. It is a practice which has worked well over the many years that it has been in force for the Metropolitan Council, and I would emphasize that neither in the Task Force report nor in the report by the Metro Review Committee, nor insofar as I am aware in any of the background papers that led up to the bringing forth of Bill 29, was there any rationale or attention given to removing the powers of the Metropolitan Executive Committee. I think everyone assumed there would probably be an Executive Committee, albeit a discretionary one. But I am not aware of any justification or rationale for that. It appeared for the first time in Bill 29.

I first learned of the form of Bill 29 the day after it received first reading in the House. Until that time, although I had asked the Ministry for draft copies on a confidential basis, I did not have one. This is really the first opportunity we have to bring forward to you this particular concern about the form of the bill.

I trust that it may be an unintended result to simply remove all the powers of the Executive Committee, but reading the form of the bill, by reason of the fact that these three relatively minor powers are included,, I suspect it was not, but I do not know why.

Those are my submissions, Madam Chairman.

Madam Chairman: Thank you, Mr. Rust-D'Eye.

Mrs. Marland?

Mrs. Marland: Just to be very clear, Mr. Rust-D'Eye, on your presentation, and because we do not get the transcript of these meetings for some time, we are going to be dealing with the bill tomorrow.

How many breaks did you say again? You mentioned two months in the summer.

Mr. Rust-D'Eye: The definition of a recess for the purpose of the provision is set forth on page 5 of the report, and it includes the summer or any other recess declared by Council, also the period between the last Council meeting at the end of the year and the first Council meeting at the beginning of the next year and in an election period, in effect the election break. Those are the recesses in which it is requested the Executive Committee have those powers.

To be candid, I think those powers have been exercised primarily during the summer recess, that is the essential

problem that we now have.

Mrs. Marland: So currently is it two months in the summer that they have not had meetings?

Mr. Rust-D'Eye: That's correct.

Mrs. Marland: What is the break currently between the last meeting of one year and the first of the next?

Mr. Rust-D'Eye: I will let the Clerk deal with that.

Mr. Crombie: Other than election years, usually simply from the early part of December to second week in January.

Mrs. Marland: You are talking about five weeks then?

Mr. Rust-D'Eye: Council had its first meeting on January the 19th.

Mr. Crombie: Four or five weeks. In election year, Council stops in, well, this year around October, and the first meeting would be in December, second week of December.

Mrs. Marland: So that is another four or five weeks?

Mr. Crombie: Yes.

Mrs. Marland: And a quorum of the new Council I presume would be what? Eighteen?

Mr. Rust-D'Eye: It will still be 11 I believe. Will it not?

Mr. Crombie: Well, the present quorum, and it has been since 1953, I believe, when we had 24 members of Council, is 11, and now we have 40 members of Council, the quorum is still 11. It has never been changed.

Mrs. Marland: So are you saying the quorum in the new Council will only be 11?

Mr. Crombie: Yes, unless the legislation is changed.

Madam Chairman: Specifying what the quorum is... I could stand corrected. I am sure we will get clarification from staff on that.

Mrs. Marland: Yes. That is pretty significant, because if it is to remain as 11 out of 40 as a quorum, first of all, that is rather unusual, but if it does, it is going to lend more credence to my next argument.

Mr. Rust-D'Eye: The section creating the quorum of 11 members to form a quorum is not amended or repealed by the

new bill.

Mrs. Marland: All right. So a quorum will be 11 out of 40.

Mr. Rust-D'Eye: It will be 34.

Mrs. Marland: It is 34. Why did you say 40 then?

Mr. Crombie: The current council is 40 with a quorum of 11.

Mrs. Marland: I am talking about the new.

Mr. Crombie: Under the new legislation when you have 34 members, the quorum will still be 11.

Mrs. Marland: I was projecting that the quorum would have to be 18 out of the 34.

Well, if the intent of the Minister is that the quorum remains at 11 out of 34, which is a possibility since it has been 11 out of 40, which is pretty amazing for those of us that have served on councils and committees. Frankly, I would have a concern about the argument for the necessity of an Executive Committee based on those breaks.

I wonder why, especially now that I know it is only 11, why if there is a necessary for an extraordinary meeting or whatever, I do not know what in Metro you call the special meetings of Council, but if a special meeting needed to be called, I cannot imagine why you could not get 11 people together to form a quorum.

I do not like Executive Committees and Boards of Control systems within municipal government because I see it as an elitist form of government, because it ends up that that -- the argument for doing away with Boards of Control, as far as I am concerned, follows right through in doing away with an Executive Committee, and I personally do not support Executive Committees.

I think that the argument that you give for an Executive Committee being the fact of the recess periods, I just do not see that as a valid argument.

I think certainly the Region of Peel Council, in any case, has 21 members and their quorum is 11, and that Council met in July and August, one meeting a month, and I never heard that it was a problem for scheduling. Certainly their area of jurisdiction and the matters that the Regional Council in Peel with which I am familiar, I cannot see that their area of jurisdiction is any different in terms of subjects, rezonings, and so forth, that you referred to.

So I have to ask you why it is a problem to get a quorum of 11 if a meeting is necessary during those recesses, as you describe them on page 5, those recess periods?

Mr. Faubert: Fifty thousand a year.

Mrs. Marland: That is the other point. In fact, I have made the notation in my notes here, that with the salary that is being proposed for these full-time Metro Councillors, Metro Regional Councillors, I really have to ask you, and I realize you are the bearer of the message here today before this Committee.

Mr. Rust-D'Eye: I keep working through the summer.

Mrs. Marland: Exactly. So I presume then in fact that this is a resolution of Council. Did you say it was a resolution of Council from last night?

So you have been asked to carry the message today and we thank you for doing that.

Mr. Faubert: We are going to give you one to take back.

Mrs. Marland: I guess the only way I can ask the question, Madam Chairman, is to ask you, obviously there must have been some discussion of this resolution last night.

Mr. Rust-D'Eye: Yes. By saying it was adopted last night, this of course is the outcome of a process through which there has been a Committee of the Council reviewing the proposed structure of Metropolitan government for a very long period of time. They have been meeting on a virtually weekly basis in recent times. And this report, which of course I drafted originally, arose from the discussions of that Committee.

Now, at Council last night actually the point was not debated because I sensed general concurrence by all members of Council that is it a desirable thing to maintain the status quo and that there is no reason for changing it.

Now, the reason for it originally being instituted I am not aware of. I am not aware of the historical precedent, but I know that Council has always broken during the summer, Executive has carried the ball and it has worked extremely well with reports back to Council at its first meeting in September.

Madam Chairman: Does that answer your question?

Mrs. Marland: Do the Executive Committee members have additional income?

Mr. Rust-D'Eye: They do at the present time, yes.

Mrs. Marland: They do?

Mr. Rust-D'Eye: Yes.

Mrs. Marland: In the discussion of this proposal, in the discussion of this recommendation, either through your report or through the committees that have been looking at this, has it ever been discussed, the fact why it is a problem to get 11 people together in those periods of time?

Mr. Faubert: Just like the Legislature recess, there is a different part --

Madam Chairman: I think we are getting off track. Mr. Rust-D'Eye has brought a specific resolution. It's very concise, and I appreciate that.

Does that complete your questions, Mrs. Marland?

Mrs. Marland: Yes.

Madam Chairman: Mr. Polsinelli?

Mr. Polsinelli: Mr. Rust-D'Eye, I want to thank you for bringing this to our attention. I think the appropriate way to deal with this would be to refer it back to the Ministry of Municipal Affairs for their consideration and then report back to the Committee as to whether or not they are prepared to adopt your recommendation.

I am not prepared today to make a decision as -- to tell you that it is an appropriate or an inappropriate recommendation. I would like to get the feedback from the Ministry and see what they have to say about it.

It may be that they may adopt it as part of their package amendments.

I also understand that the majority of Councils in Ontario operate under the proposed structure, under the proposed structure for the new Council that will be operating. But in the smaller municipalities they may award one contract every three years, so it is not exactly the same thing.

The Executive Council and the executive operations in large municipalities, which is not Metropolitan Toronto, is slightly different than in Wawa. So I think it is something that the Ministry should take a look at and report back to us. Thank you.

Madam Chairman: Thank you.

Ms. Bryden?

Ms. Bryden: Madam Chair, has this proposed amendment, in a draft form, been discussed with the Minister of Municipal Affairs or any of its officials?

Mr. Rust-D'Eye: Not in specific terms, no. I am in constant contact with the Municipal Affairs legal services director, and he I believe is aware and his staff is aware of the fact that this has been a concern from the outset. But, no, I have not actually submitted this draft or this report to Mr. Chipman.

Ms. Bryden: Was this problem raised at the Task Force? I presume you had some representatives on the Task Force that preceded this, the provincial Task Force.

Mr. Rust-D'Eye: Insofar as I am aware, at least insofar as reading the report is concerned, I do not think that the issue was ever raised insofar as the powers of the Executive Committee.

They dealt with the function of the Executive Committee in terms in providing leadership. They dealt with different ways in which it might be composed and selected. But nowhere in the report -- in fact, the only reference in the report is something saying, in effect, the Executive Committee will have the powers its Council decides to give it. But there is no other reference, as far as I am aware, to taking away its powers.

It was a surprise to me when I read Bill 29 for the first time.

Ms. Bryden: Do you know how many members of Metro Council make it a full-time job and would be available in the summer?

Mr. Rust-D'Eye: I am afraid I cannot answer that.

Ms. Bryden: Well, Madam Chair, it seems to me that this should be referred to the Minister of Municipal Affairs and we should ask for a report from him or his Parliamentary Assistant on it before we give any consideration to it, but perhaps it could be prepared.

Madam Chairman: They will provide that tomorrow.

Ms. Bryden: Would Mr. Neumann like to make a comment today?

Madam Chairman: He is down on the list.

Mr. Neumann: I will make a comment once all the members

have asked their questions.

Madam Chairman: Thank you.

Mr. Owen?

Mr. Owen: Well, I've partly been answered, but you said you were unaware of some of the proposals that were coming out of the bill, but you are aware that in the analysis and options that you were given, you saw that, and on page A2 it referred to the Board of Control, and referring to two classes of people that who were serving and that this was not in the best interests of what was happening, and I took from what is here in this report, recommendation that everyone was in agreement, that they should be elected people of equal status.

Mr. Rust-D'Eye: Madam Chairman, the Members of Council, or at least the 28 directly-elected members of the Metropolitan Council will of course all have equal status.

Mr. Owen: Yes.

Mr. Rust-D'Eye: But that particular provision, the Task Force report dealt with area municipal Boards of Control, and the question of course as to whether members should be elected municipal-wide or from particular wards, there was not a connection in there, although I speculated that that is the logical extension dealing with our Executive Committee. But there is nothing in that particular part of that report which really dealt with the area municipal composition, which then transposed that over to the Metro Executive Committee.

Mr. Owen: But you can see where I would have taken that from reading it.

Mr. Rust-D'Eye: I am not saying that is unreasonable. It is just that no one ever looked at the Executive Committee in the section dealing with the Executive Committee and said, we will take away its powers and all that can be delegated are administrative duties and no powers at all.

Mr. Owen: That thinking still extends, they are trying to create equality of people elected.

Mr. Rust-D'Eye: I understand that to be one of the objectives of the legislation.

Mr. Owen: Thank you.

Madam Chairman: Thank you, Mr. Owen.

Mr. Faubert?

Mr. Faubert: I just want to clarify one point for you, Madam Chairman.

Mr. Rust-D'Eye, the point that was made related to the delegation of powers, that is normally covered by any municipality under the Municipal Act I understand, that during times of non-sitting of Council powers can be conveyed to either an executive function, or an Executive Committee and/or whoever fulfills that on behalf of that municipality.

Is that not correct under the Act as I interpret it? A council can delegate powers up, or down I should say, in that sense, to anybody and to any part of its own structure?

Mr. Rust-D'Eye: Well, I think it is fair to say that some the municipalities do delegate not only duties, but also powers. However, in my opinion, if Bill 29 is enacted in its present form, then the Metropolitan Council would not be in the position of being able to delegate to its Executive Committee powers. In other words, it could not enter into a contract, it could not hire a staff member or dismiss a staff member, it could not award a tender. These are things which it now can do because the Board of Control provisions are imported --

Mr. Faubert: Because they are incorporated in the present --

Mr. Rust-D'Eye: But there is no general power of a Council to delegate to a Committee any of its actual powers from a legal sense.

Mr. Faubert: Because they are now part of the existing Metropolitan Toronto Act.

Mr. Rust-D'Eye: Except those three. That is right.

Mr. Owen: Why would you want to? Why would you have to with that type of quorum, which is what Mrs. Marland was driving at?

Madam Chairman: The legal people will be dealing with that.

Mr. LeSurf, you were going to comment re the quorum question.

Mr. LeSurf: Yes, Madam Chairman. Currently the quorum is established under the Municipality of Toronto Act as 11 members being present, that is in the Act and we did not change that. So Bill 29 did not change that.

Madam Chairman: It is anticipated that the quorum will

stay 11 of 34.

Mr. LeSurf: That is right.

Madam Chairman: Thank you, that is clarification.

Mr. Neumann, you had a comment as well?

Mr. Neumann: Yes, Madam Chairman. I would like to thank the representatives of Metropolitan Toronto for their presentation. They have suggested a detailed amendment. I must say that the current draft bill is deliberately drafted. As Mr. Owen pointed out, there is a relationship between the decision to abolish Boards of Control, and as you have quite rightly pointed out in your presentation, the powers that the Executive Committee are like in some manner to the Board of Control concept.

Having said that, we are prepared between now and tomorrow to have the Ministry staff and the Minister review your proposed amendment with respect to the summer recess and we will come back tomorrow with our attitude on it.

Madam Chairman: Thank you all very much. We will reconvene back here at two o'clock.

Mr. Rust-D'Eye: Thank you, Madam Chairman.

The committee recessed at 12:10 p.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

WEDNESDAY, FEBRUARY 3, 1988

Afternoon Sitting

STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: Stoner, Norah (Durham West L)

VICE-CHAIRMAN: Mahoney, Steven W. (Mississauga West L)

Black, Kenneth H. (Muskoka-Georgian Bay L)

Bryden, Marion (Beaches-Woodbine NDP)

Charlton, Brian A. (Hamilton Mountain NDP)

Daigeler, Hans (Nepean L)

Marland, Margaret (Mississauga South PC)

Matrundola, Gino (Willowdale L)

McLean, Allan K. (Simcoe East PC)

Owen, Bruce (Simcoe Centre L)

Ray, Michael C. (Windsor-Walkerville L)

Substitutions:

Cousens, W. Donald (Markham PC) for Mr. McLean

Farnan, Michael (Cambridge NDP) for Mr. Charlton

Faubert, Frank (Scarborough-Ellesmere L) for Mr. Daigeler

Polsinelli, Claudio (Yorkview L) for Mr. Ray

Clerk: Deller, Deborah

Clerk pro tem: Manikel, Tannis

Witnesses:

Individual Presentations:

Sinclair, Bruce, Mayor, City of Etobicoke

Moscoe, Howard, Controller, City of North York

From the Ministry of Municipal Affairs:

Neumann, David E., Parliamentary Assistant to the Minister of Municipal
Affairs (Brantford L)

Individual Presentation:

Yuill, Robert, Controller and Chairman, Direct Elections Committee, City of
North York

From the Concerned Citizens for Civic Affairs in North York:

Williams, Collin

Individual Presentations:

Tonks, Alan, Mayor, City of York

Boland, Harry, City Solicitor, City of York

---Upon commencing at 2:10 p.m.

Madam Chairman: I propose to call the meeting to order.

The first delegation is Mayor of Etobicoke, Bruce Sinclair. Welcome, Bruce.

Mr. Sinclair: Thanks, Norah, Madam Chairman. It is good to see some friendly faces around, some former municipal colleagues from here and there, Metro, with Frank and other people from AMO that I have known over the years, yourself included from AMO and Conservation and various other points.

I should just tell you where I am coming from. I am not a member of any political party, so I do not have any political axe to grind in anything I say and I am speaking for myself, basically in what I have to say, as well, so that is pretty well that.

I have been interested in the Metro fact since the beginning. At the time when Metro was conceived, I guess it was the Cummings Commission at that time, proposed Metro back in 1952 or 1953. I was in the investment business doing municipal financing.

We specialized in municipal bonds, so I saw a lot of municipalities then and I was particularly interested because the first Metro bond issues were three-and-a-quarter and three-and-a-half per cent. I hate to say how old I am, but that is quite a while ago.

Then the next kick came, I guess, in about 1966, with the with the Goldenberg Commission and in 1967, of course, you know what happened; the 13 municipalities that then constituted Metro became six.

Many people at that time thought it should have been four, but there was some last-minute lobbying and it preserved East York and York. To be perfectly frank about it, that is what happened. I will never underestimate the power of a good lobby.

Then, in 1976, it was the Robarts Commission's turn to take a look at Metro and I, you know, still being a Metro nut, went to a lot of trouble and put in a brief. It is still around some place.

I mainly talked about how we should probably restructure East York and York to make them a little bigger, so that there would be more equality among the six members of the Metro Federation, but I did put in a brief and, of course, Robarts came out at the time with the business of accountability, how important that was.

He made a lot of recommendations that our Council at the time endorsed, over 12 years ago, 12 years ago, that there should be probably a lesser number of boards and commissions, more of that kind of thing go over to the elected reps.

This was loud and clear in the Robarts Report and it had to say a few things about Metro, as well. Not much of it was acted upon.

Then in Metro, itself, about six years ago, the whole business of size came up, what size was the proper size for Metro Council because it was obvious that there had to be some redistribution because of the increased population and our city -- by the way, our city is 300,000, about the same size as Ottawa or Windsor or Ottawa or Hamilton. That is a fair-sized city. It is just that in the Metro scheme of things, we are one of the small guys, like, you have got -- it used to be, we were medium sized. Now, there are three big and three small.

I mean, Frank's place, Scarborough, is half a million now. It is not our size. We used to be about the same. We are cousins, sort of. Anyway, you tend to get a little bit lost in the Metro Federation, but it is a fair-sized city, is 300,000.

At that time, we said that the proper size of Metro Council was about 30. This was endorsed by the other small people. East York and York came up with the same thing independently, so I think this would have been later. endorsed by a couple more, so I think there is a pretty good consensus that the size of Metro is a little large, 40 Members, and should not go any higher than that; as a matter of fact, should be reduced, so this is just to give you some background.

I started out as an alderman at the time and then about three years after that, I deliberately ran for Board of Control. We have a mayor, four controllers and 10 aldermen, 10 councillors now, in Etobicoke, so that I could get on the Metro Council because some of the things I was really interested in were going on down there, like Social Services, Housing, Metro-wide Planning.

I was on both those committees, the Social Services and Housing Committee for years and the Planning Committee, both those Committees for 10 years, the Chairman of the Metro Social Services Committee three or four times, so I am interested in Metro and that is why I am here, to express my concerns about some of the things in the proposed Bill.

I have in front of me John Eakins' Statement of Legislature on November the 4th, which sort of started this and, you know, nothing against John Eakins either because he

inherited this material from his predecessor and he came in, a new Minister, a new EA and a new Deputy, Don Obonsawin, and I guess they picked up this material that had been evolved and they ran with it.

So really, nothing personal against anybody. It is just that I do not agree with too much of it. I agree with some of the stuff. I have his statement here and I certainly agree with the fact that Metro is great.

On page 6, getting toward the punch line:

"The Metro system of government has served this area well for nearly 35 years."

Right on.

"...been a model for other large metro centres around the world."

True, true, true. People come from all over, you know, students of Municipal Government that are taking Political Science or whatever come from literally all over North America to study Metro, so there is not much wrong with it and I do not think anybody would say there was. He points out that its budget is over \$2-billion and it has been a model for other cities and so on, so agreed.

I guess some of the assumptions, though, I do not agree with, when he gets on to the second page. These would, I guess, be assumptions. He says that the existing system for choosing Metro Councillors is confusing to the voters.

Well, not so. Every election for the last five or six, certainly the mayor and the four controllers in Etobicoke and it is the same pretty well in Scarborough, there is a mayor and four controllers and the same in North York. We have specifically said from the platform at election time, that when you elect your mayor or one of your controllers or your four controllers, you are electing the five Metro reps. Everybody knows that. There is no confusion, at all.

There may be some confusion in the City of Toronto because they got away from the Board of Control mistake they made some years ago and I guess probably a lot of people have been regretting it ever since, but there is no confusion in our town.

"Voters do not know who does what..." They do know. We specifically tell them from the platform and it is quite clear. I think maybe I should give you some stuff.

I have a sort of a diagram of the present ward system in Etobicoke, what it will likely look like, you know, if we go this route and then another little sheet, showing the

responsibilities. There are three pieces, one for everybody, if you can, okay?

So another assumption here is that there is concern about the way in which the Metro Chairman is chosen. I have never heard any concern about how the Metro Chairman is chosen.

The Metro Chairman is chosen by his peers and that is a good way to choose people. Boards of Education certainly choose people that way. I was on the Board of Education years ago for a couple of years and the nine of us at the time elected a chairman.

That is how it is at Metro and the fact that this person does not have to be elected from a riding is fine because with a job like that, worrying about the good of 2.1-million people, I think it is logical to me, not to have to have riding concerns at the same time. So, I had no complaints, at all, about that, so I do not think that is a valid assumption in my book.

There is another statement here, that, "Metro Councillors currently sit on both Metro Council and their local council..." That is true, that is good.

I do not know whether that is supposed to be there because it is a bad thing; it is a good thing because, you see, that means that the five of us, for instance, have a local base.

We know what is going on, on the home front as well as at Metro and, sure, it may take a bit of doing to cover both bases, but that is the way it is done in regions all across Ontario and in counties, too.

If you are in the county system, you have to worry about township concerns or village concerns or town concerns and also about county concerns. You may be worried about local roads in your township. You are probably also worried about county roads and Social Services and Housing and things that they do.

At the regional level, like Marg Marland or Steve Mahoney, who are in Regional Peel, were certainly concerned about both local concerns and regional concerns and did an admirable job on that, so this can be done and should be done. You should not split those two responsibilities. There is nothing wrong with that, that they currently sit on both.

Those assumptions, I think, then maybe are a little faulty if they are considered to be something that should be improved. There is nothing wrong.

I guess on page 3, it gets to be what the goals are in the new legislation; one is making Metro's government more accountable.

Well, it is accountable because the people in Etobicoke, anyway, and that is a fairly large city by Ontario standards, they know who their Metro reps are very clearly. They are told at election time and we keep on reminding them; nothing, no problem about that.

There is a statement here that "...voters will be able to vote directly. The system will be simpler." It unfortunately will not be simpler. You can see, from the last sheet I gave around, I guess, that there are a lot of overlaps.

That is the sheet, entitled, "Responsibilities of the Metro Government" and there are two columns beside each title, you know, "Metro" and "A", for area; in other words, local responsibility and Metro responsibility, a lot of overlap.

Most people that call me about road problems do not know whether they have got a local road or a Metro road and, as a matter of fact, I get provincial problems, Frank, and so do you and probably Don.

Mr. Faubert: Oh, yes. I hope I do not now, but I did before.

Mr. Sinclair: You know what I mean? If you are a municipal rep, you get provincial, federal, metro and local concerns and you have got to allocate them and call the right person, you know.

If you are representing me, Don, I would say, 'Well, listen, that is not my baby,' and I would tell you the guy could help and so on. We all get that, I guess. You probably get municipal calls and so on, so you have to sort it out.

Madam Chairman: Bruce, could I just interrupt--

Mr. Sinclair: Yes.

Madam Chairman: --to just let you know where we are on the clock on your half hour.

Mr. Sinclair: Okay.

Madam Chairman: I do have some people that would like to question some of the statements you have made.

Mr. Sinclair: All right. Do I get credit for the 15 minutes we were late?

Madam Chairman: The 10 minutes, yes.

Mr. Sinclair: Okay.

Madam Chairman: We started at 2:10.

Mr. Sinclair: All right. So I am doing all right. I do not want to get penalized.

Mr. Cousens: For my mistake.

Madam Chairman: I just wanted to tell you that there are people that wanted to discuss it with you.

Mr. Sinclair: All right, no problem. So this shows you, you see, the overlap in many cases, library boards, both local and Metro, and so on, right down the line.

It is not easy. It is better to have the same person, who can answer both kinds of questions, at least at the municipal level. It is bad enough having two other jurisdictions without splitting it into four; in other words, we should not make a mini-province out of Metro. That is what this legislation will do.

I guess, they talk about linkage as an important feature, "...linkage between the Metro Council and local council." Well, that is right, but under the new proposed system, there will only be one link and that is the mayor.

Right now, in Etobicoke, we have got five links because five people do double duty. That is the way it should be and that is the way it is right across the rest of Ontario in the other regions.

I might just want to, Madam Chairman, amplify some of those things that I touched on, going through the statement.

I do agree with the smaller council, like, as I said before, Etobicoke and most of the other Metro municipalities would now support a small Council out and around the 30, so we are going to have 34, okay. So it is smaller and I heartily applaud that.

Somewhere in here, there was the hope that there would be less elected representatives; not so. You can see, from looking at the maps I gave you, right now we have 15 people. We have two per ward for the five wards, plus the four Board of Control, plus the mayor, you see?

Under the new deal, which will recommended to Council shortly, there will be a total of 13 locally and then the four Metro, so there will be more. Instead of 15, there will be a total of 17 people, so there will be more.

Now, it will be expensive, too. Right now, the total number of Metro reps, let's look at it that way, is around 39, excluding the Chairman, so if you add that up, it costs about \$550,000 for the stipends or whatever you call them of the Metro reps.

Under the new setup, the cost will be \$4.5-million. Now, you say, 'How could it possibly be ten times as much?' Well, there is a Metro Study Committee on this and they are recommending \$57,500 for each Metro rep, plus about \$40,000 for a secretary, \$40,000 for an EA.

Now, just the personnel comes to four-and-a-half million. The total bill is \$5.7-million because they are adding another million or so for accommodation, so from \$550,000, roughly, to \$5.5-million plus is the bill and for a system, this is good.

This is what disturbs me. I mean, I do not throw away money. Anybody at the municipal level does not throw away money. It is life in the goldfish bowl. You have got everybody watching you, all the TV cameras. You do not spend a nickel without everybody knowing and so you get to be kind of tight with the money.

We have got the lowest tax rate in Metro, the lowest water rates, lowest hydro rates. You know, we do not throw around very much. We probably should have spent more, as a matter of fact, in some areas.

You see, it is going to cost more. There are going to be more elected reps, it is going to be more confusing to public and you lose civic identity. You see, what you have done is balkanize Etobicoke.

We have five people going down to Metro, who represent Etobicoke. They are all elected at large, in case you are wondering, all of those five people are elected city-wide. They have to go to 100,000 households and, so, you have five people with a city-wide mandate, city-wide experience, city-wide feeling.

If you cut it into four Metro wards, you are going to have people in the north talking about northern affairs, people in the south, which is Lakeshore, talking about southern affairs and one not knowing what the other guy is doing. So you have only got one person, and that is the mayor, with the city-wide voice any more. That is counter-productive to the best interests of my city and so I am concerned about that.

The person; let's talk about the citizens. They can now, as you can see from the map, if they have a concern, they have got seven people they can call; a mayor, four

controllers and two councillors, you see. Let's say they live in Ward 3, they can call one of their two councillors, four controllers. That is seven people.

Under the new setup, they may be able to talk to the mayor, the Metro rep and one, one city member, so they will be cut down from seven to three, as far as people they can call about this and that.

There would only be one who could do double duty and that is the mayor, so I really think that the Metro reps, who will have offices downtown, their staff downtown will lose touch with the local base. That is bad. It is so obvious I do not need to say it again and again, but it just bothers me the way this is going.

Let's talk about Boards of Control. Now, part of the proposed legislation demolishes Boards of Control. This system has served Etobicoke well. I remember the Robarts Commission, we had a brief of the Robarts Commission and our Council endorsed the idea of a Board of Control.

You see, it might be easier for me if I did not have two or three people on my back all the time, but that is not the point. We are talking about what is good for Etobicoke.

You have four other people, you see, who have city-wide experience, who can be there for succession planning and they can watch your every move and if I should die or get beat or retire, whatever happens, there are four other people who could come in and have city-wide experience and could run for Mayor, so it is a good thing to have some city-wide people rather than no city-wide people, except the mayor.

I think when it comes to our total impact, again, we go down, we have a little huddle, I would say, before Metro Council Meetings, the five Metro reps the day before. We do not always agree on all the issues, but we go through the agenda take a look at what is coming on Metro Council that we could maybe get a united voice on, so we have an Etobicoke approach and that is going to be cut down to one person speaking for Etobicoke.

I think, Madam Chairman, that I will cut it there. I could go on because I am fairly concerned about this, but there were a number of hands up and maybe some of the stuff will come out in questions; is that all right?

Madam Chairman: I have four people on the list, who would like to speak.

Mr. Sinclair: Okay.

Madam Chairman: Mr. Cousens?

Mr. Cousens: Thank you very much for your presentation and I appreciate the kind of detail you have gone into.

How do you see, just to elaborate; for instance, in your list here of responsibilities of Metro government and you take Metro and local and you are raising a concern that I have had and our caucus has discussed, for instance, Planning.

Do you see it becoming a problem in Planning, when you have got the two different levels or can you give me an illustration of the kind of problem you foresee with the new break-out of responsibilities?

Mr. Sinclair: Well, there seems to be a pretty good stand-up in local Planning Departments and Planning Committees and the Metro Planning Committee. I have been on both.

I think the power will now shift to Metro and they may just ride roughshod over local Planning concerns, so this is the fear I have heard expressed among my colleagues right across Metro, that 'Oh, Oh, there goes the ball game.'

Some of the things we wanted to keep control of will just be steamrollered over because the Metro reps will not have to answer any more for local concerns, you see, so it will be the Metro juggernaut, is the kind of fear I have heard expressed, so, for instance, in matters of Housing, Metro may say, 'Look, you are going to take certain kinds of housing in your municipality, whether you like it or not.'

This is a point of real contention because many of the communities like it just the way they are and take a bit of persuading to take different kinds of housing. That is just an example.

Mr. Cousens: No. I think that is an issue that I do not know how it is going to be worked out, but I appreciate your review and thank you.

Mr. Sinclair: Yes.

Madam Chairman: Ms. Bryden?

Ms. Bryden: Thank you, Madam Chairman. I certainly welcome Mayor Sinclair for coming to us with his views, but you did say that you were speaking for yourself, basically.

Mr. Sinclair: Yes.

Ms. Bryden: Has the Council of the City of Etobicoke discussed your viewpoint or have they discussed a viewpoint for or against it?

Mr. Sinclair: Oh, sure. It broke down pretty well. You see, the aldermen or the councillors, as we call them now, I guess nine voted for 'the new look'; in other words, abolishing -- no, they did not. We said that is a local matter.

We did not take a view on that, but we did endorse the idea of so-called 'direct election' as a Council, except four of the five Metro reps did not, so there is more of them than there are more of the Metro reps, so I think it passed 9-4, something like that, 9-5.

Ms. Bryden: Do the other controllers endorse your viewpoint or some of them or all of them?

Mr. Sinclair: Yes, not all. I think in the recorded vote, there was one controller, who said, 'Oh, it is inevitable anyway. Let's get it over with.'

Ms. Bryden: You are aware, I guess, that your representative on the Task Force participated and was aware that part of the alternatives being considered in the legislation, all of them included abolition of Boards of Control?

Mr. Sinclair: Okay. There is a good point. You see, the Task Force did not include any politicians. The Task Force that evolved the position, I guess, that Ben Grandmaitre had and then was inherited by the present minister, consisted of appointed officials from the six municipalities.

They might have been clerks or their representatives. There were no elected people, you see, so I think you are hearing from the elected side now.

Ms. Bryden: Well, the elected side, would it not have briefed your representative on the Task Force as to whether he should be for or against abolition of Boards of Control?

Mr. Sinclair: There really were not any briefings and our position was that Board of Control, whether to abolish or not was local matter. We did not take a position as a Council on that. We said, 'We will discuss that later.' What we are talking about was the idea of direct election.

Ms. Bryden: Well, direct election certainly is a democratization of the present position and I think you support that.

Boards of Control elected at large may not be as democratic as having representatives for different individual Metro wards elected for that ward.

Mr. Sinclair: Well, I guess for the reasons I have outlined, I think that they serve Etobicoke well to have five at large people and ten elected the other way. It is a nice balance.

Ms. Bryden: So anyway, you have clarified your position for me. Thank you.

Mr. Sinclair: Sure.

Madam Chairman: Thank you, Ms. Bryden.

Mr. Black?

Mr. Black: I am afraid I have to take issue with you on two or three points you have made. The number of people who will represent Etobicoke is not necessarily the result of Bill 29. It is rather the result of decisions made by your Council, I would suggest.

Mr. Sinclair: That is true, that is true.

Mr. Black: So to suggest that that is a direct result of Bill 29, I think, is not quite fair.

Mr. Sinclair: Well, you could predict it, though, because nobody is going to vote themselves out of a job. If it comes to redistribution at the provincial level, it is always more people rather than less.

You are not going to, even if you do not like somebody, to cut the number of seats, so that if there is going to be four Metro wards, then the thing is, are you going to have two reps per ward or three? If you have two, it means two of the people there are going to get rubbed out.

Mr. Black: You are not suggesting that people would put their own security ahead of the welfare of Etobicoke, surely?

Mr. Sinclair: I am suggesting that self-interest plays a part.

Mr. Black: The second concern I have --

Mr. Sinclair: At the federal level, at the provincial level and local level. Let's be honest about it.

Mr. Black: The second concern I would have is your suggestion that the four Controllers from Etobicoke and yourself, as a representative, used to meet prior to the Metro Council Meetings.

Now, I am not sure that that is necessarily a good thing, to establish an Etobicoke position, but there is

nothing in Bill 29 that would prevent that from happening now, is there?

Mr. Sinclair: I suppose that the four Metro reps could find a meeting room downtown somewhere. That is where their offices will be. They will not be back at Etobicoke because they will not be on both councils and, perhaps, could talk about a common position.

That could be done, but I am saying it is a different kind of common position because they do not have to make any bows in the direction of Etobicoke any more. They are wearing their Metro hat only, rather than doing double duty.

Mr. Black: I think that is one of the objectives of this legislation is to try and bring that about.

Mr. Sinclair: I guess it is. I do not think it is a good idea.

Mr. Black: The last point I would make, Madam Chairman, I guess I have a concern about your suggestion, that if a councillor is elected from a ward, that he cannot really represent the concerns of the whole of Etobicoke.

I come here as a representative of one riding in this province and I am expected to represent the best interests of the people of Ontario on many, many issues and I would suspect that people in Etobicoke will be able to do that very effectively.

Mr. Sinclair: Yes. That can be done, but it is just that you are not forced for think Etobicoke-wide if you are just elected, say, from the Highway 401, north.

There are issues that are particular to the Lakeshore that are not germane to the north end, at all. We have sort of a long, skinny city, you see, so instead of being up on all issues, you tend to concentrate on the local issues more.

Mr. Black: I am sorry, I cannot accept that. Thank you.

Mr. Sinclair: Okay.

Madam Chairman: Thank you, Mr. Black.

Mr. Farnan?

Mr. Farnan: I think Mr. Black has covered the position, the line of questioning that I had in mind, but I found a real contradiction in your presentation and it is along the lines that Mr. Black has suggested.

You had a very narrow and what I thought was a rather mean view of aldermen and even to the extent of suggesting aldermen within Etobicoke, that they would have less than the interests of the entire community at heart.

At the same time, you are much more generous in your view of the mayor and the controllers in the Metro situation, where it could be argued, using your own logic, that exactly the same could apply.

I would prefer to take the view that an alderman is elected to represent his community and has special concerns to bring forward for a specific area.

Just using your own rationalization, I think you have destroyed your own argument.

Mr. Sinclair: Well, I guess what you say is true to a certain extent. An alderman, there is nothing to stop him thinking about the total community, but he does specialize within a certain area.

I guess I like the idea of the balance, you see; some people who specialize in a certain area, some people who are generalists for the whole area. That is the balance we have got now. I do not want to see that destroyed.

Mr. Farnan: I suppose it is the approach, that you judge people initially, whether you presume the best development or you presume the worst. I prefer to presume the best.

Mr. Sinclair: I prefer to presume the best, too.

Madam Chairman: Thank you, Mr. Farnan.

Mr. Owen, we have one minute left.

Mr. Owen: Yes. Along the line of what Mrs. Bryden was asking you, who is this Roger Cloutier, who signed this?

Mr. Sinclair: He was our clerk.

Mr. Owen: Well, you were sort of disowning him, I had the feeling--

Mr. Sinclair: No.

Mr. Owen: --as to his contribution. Would there not be some liaison or contact of what he was doing?

Mr. Sinclair: No. He spoke from his own point of view and how he perceived things and so did everybody else, but I do not know what his total input was down there, you see.

We did not say, 'Okay. You are going in with a certain point of view,' we said, 'Go in and do the best you can with your common sense,' and I presume that Scarborough's rep did the same.

Out of all this amalgam came a whole lot of different possibilities and we had a public meeting with some of these possibilities that the province presented or the Task Force presented and I think it was quite confusing. I think about four people came out.

Mr. Owen: Is he still your clerk?

Mr. Sinclair: He is not, no.

Mr. Owen: I see. My last, my last question was --

Mr. Faubert: Woops.

Mr. Sinclair: Simply because of medical reasons, not because of this.

Mr. Owen: My last question is that we have seen criticism of the present system, resulting in a poor attendance, on occasion, at the Metro level and if that, in fact, is correct and if the media reports to us are correct, would this proposal not sort of correct that attendance problem?

Mr. Sinclair: I, frankly, think attendance is pretty good at the Metro level.

Mr. Owen: You disagree with the reports that --

Mr. Sinclair: Yes. Yes, I do. And I think certain things are already --

Madam Chairman: Thank you, Mr. Owen.

Mr. Sinclair: Okay.

Madam Chairman: Thank you, Mayor Sinclair. I appreciate you coming and I also appreciate the questions and I also appreciate the efforts to stay on track with time. Thank you.

Mr. Sinclair: Okay. Thank you, Madam Chairman.

Madam Chairman: Our next delegation is Howard Moscoe, Controller for the City of North York.

Mr. Moscoe: Thank you, Madam Chairman. I prefer to be known as Howard Moscoe, Metro Councillor--

Madam Chairman: Oh, sorry. I have you down here as --

Mr. Moscoe: --because I happen to be directly elected, but I also happen to be a controller for the City of North York, but I believe that boards of control are redundant anachronisms and I am very pleased to see this piece of legislation doing away with something that was designed to serve the 1930s and 1940s into a system that is designed to serve the 1980s.

You see, I am directly elected as a Controller to Metropolitan Council. People made the decision to elect me; in fact, the people made the decision to elect five of the representatives to Metro Council from North York, but did not make the decision to send five of the others down. The other five were selected by their colleagues on Council and are not directly accountable to the public in Metropolitan Toronto matters.

It is interesting to note, Madam Chairman, that now that the map of North York has been carved up into Metro wards and members of North York Council begin to stake out their territories, that it appears at the moment of six people, because we had a change, are presently serving on Metro Council by appointment, only one may return.

All of the others have chosen to remain back in their wards because I presume some of them feel that that is where they would rather be, but I suspect some of them also feel that they could not get directly elected to Metro by the people.

I think that is why, in essence, this is a good piece of legislation. It will serve the cause of democracy by allowing people to be directly elected to Metro within a defined boundary and people who elect you to Metro will then know who their Metro representative is and will know who to contact when there is a Metropolitan Toronto problem.

They may also still contact their alderman on local matters, but I think that it is important that people know who they elect and for what purpose they elect them and to have the opportunity, then, to make them politically accountable.

I am pleased, too, that the Metro Chairman in this piece of legislation is going to be accountable to someone and I think the method that has been selected to choose the Metro Chairman is the only reasonable one that you could have.

I want you to keep in mind the fact that Metropolitan Toronto has a budget that is larger than that of seven provinces and serves a population that is greater than that of seven provinces, so in fact, what you are doing is bringing democracy to Metropolitan Toronto in a way that is has never been able to be brought before.

I want to talk just a little bit about why I am excited about this legislation. Right now, quite frankly, Metro is served by part-time politicians. Most of their responsibilities are directed towards their local councils.

Their representation on Metro, for most, appears to be an afterthought and, in fact, as politicians, you well know that the bureaucrats then at Metro have a great deal more to say about how Metro government should be run than they deserve to have and the politicians have a great deal less to say.

I think this legislation will go some way to correcting that because it will elect people directly to be responsible at Metro for Metropolitan Toronto matters.

I think you may have to make some refinements in the responsibilities of Metro Councillors. I think that special purpose bodies, like boards and commissions, should become the direct responsibility of elected persons and, in some instances, Metro has the opportunity to do that and in other instances, you may have to adjust other pieces of legislation to ensure that happens. I would hope you do that, too.

The reason I say boards of control are redundant anachronisms is, it is my understanding, historically, the only full-time politician in a municipality was the mayor and I believe that it was felt at that time that there needed to be a few more full-time politicians around and then boards of control, then, served as a panel to operate with the mayor and the other politicians were very, very part-time.

As population grew and responsibility of the local government grew, more and more politicians were becoming full-time. I would venture to guess the majority of the councillors on the Metro Council are full-time politicians now.

There is no need for a panel of full-time politicians to be artificially created, like the Board of Control, so doing away with boards of control is a useful thing in this regard.

We have carved up North York and it happened rather peaceably. We are not having the same problems that other municipalities have had and most people have staked out their territory and decided where they are going to run.

There may be one or two, I think you are going to have a presentation from one from North York this afternoon, who has trouble finding a place to run. He will be representing the "official position" of the North York Council.

Finally, I want to just address very briefly the issue of Planning because it has been raised. It is very clear that Metro has direct and definite responsibilities as far as Planning is concerned. It has the responsibility for the Official Plan, the overall direction of Metro. The local municipalities have responsibility for their local zoning concerns.

I think that is a good division of power. I do not think it has worked very well in the future (sic); in fact, I think the present Metro Plan has been destroyed by the present system of government because you have people whose allegiance lies directly with the local municipality, which may be contrary to the interests of the overall Municipality of Metropolitan Toronto and since they happen to be the same people, Metro, in application of its Official Plan and Planning Policies is over-zealous to please the local municipalities and, in effect, sells out the entire Metropolitan Toronto population.

The Official Plan is being broken daily by the local municipalities and Metropolitan Toronto because it is composed of representatives directly of local municipalities, does not have the guts to say 'no'.

Metro's Official Plan calls for a decentralized Metropolitan Toronto with a de-emphasis on the centre core, while, in fact, the City of Toronto has been loading development after development into the centre core and Metro has not had the guts to say, 'Stop. That is contrary to Metro's Official Plan.'

What we have lost is the balance. We have lost the ability and the opportunity to enforce the Official Plan and with a directly elected government, you will have people whose sole responsibility is the Official Plan. You will see Metropolitan Toronto beginning to emerge to serve the interests of the population of Metropolitan Toronto, rather than narrow local parochial interests.

You still have a couple of issues to address, the question of the mayor: Is the mayor a representative of their Council on Metropolitan Council or is the mayor an elected member of Metropolitan Council? There is a difference.

I do not perceive the mayor as being the representative of their Council on Metropolitan Council. I see the mayor as being there as a communication link. I would prefer that the powers of the mayor be limited to operate at Metropolitan Council level. They would be part-time people.

I do not think they should be permitted to devote a whole lot of their time to Metro. I think they should be

there from time to time, to bring their local perspective, but I want to tell you that the directly elected representatives will bring a local perspective.

I will bring the local perspective, if I am fortunate enough to be elected to Metropolitan Council of the Metro district that I represent and the people in that district will have the opportunity to have access to me directly and will have the opportunity to bring their opinions to bear on myself and I will represent all of Metropolitan Toronto and particularly the district that I represent.

I do not see any difficulty or conflict in that regard. I represented my ward as an Alderman to North York Council. I have the interests of all of North York in mind. I will represent my district to Metropolitan Toronto, if I have that opportunity, and I will have the interests of all of Metropolitan Toronto in mind and I will have a special interest in the two parts of North York that I represent or the one part of Metropolitan Toronto that I represent.

I am going to stop at this point and take questions. I told you I would be brief.

Madam Chairman: Thank you, Howard. I appreciate that very much.

The first one on my list is Ms. Bryden.

Ms. Bryden: Thank you, Madam Chairman.

Well, we have seen two real live controllers at these hearings in conjunction with completely opposite views about the role of controllers, so that it is very refreshing to get the both viewpoints; however, you say that you have your ward boundaries for the Metro wards pretty well drawn up and that you have not had problems dividing up the others.

Is there anything finalized that you can make available to the Committee to give us --

Mr. Moscoe: Yes. I think Controller Yuill is going to be making the "official presentations" from North York, that follows me, will have those boundaries for you.

If you do not, I will be happy to provide them to you. I do not have them with me.

Ms. Bryden: Have you had any principles to follow, such as the same number of area wards in each Metro Ward? Is that one of the principles you follow?

Mr. Moscoe: Yes. We are broken up fairly simply in North York because we will have seven representatives to Metro Council. We have 14 wards, so it is simply a matter

of grouping pairs of wards together. That has all been resolved and settled. We have the groupings and it was easy.

Ms. Bryden: Is there any crossing of Metro ward boundaries in the delineation --

Mr. Moscoe: No. With respect to the existing boundaries -- and there may be refinements, as this Bill provides for, you know.

What we have done right now is worked out a temporary solution, but the Bill will provide for an examination of that matter by a larger body at a later date, but until now, I think most people are fairly satisfied with the way we have carved up the wards, even though North York was opposed to this legislation.

Ms. Bryden: Well, just one final question: In the role of the mayor, you feel that he should sit on Metro as a person who is perhaps directly elected to two offices rather than as a representative of his community?

Mr. Moscoe: Well, in some respects, yes, because, of course, when the mayor is absent, he is just another member of Metro Council who happens to be absent, okay; one more point of view from the City of North York or wherever it may be.

I do not think the Mayor has anything special to bring, other than a little bit of information about what the local council is doing, but when you boil it all down, right now on North York Council, the mayor is one vote, one elected person. He has a little bit more power because of the stature of his office and a few more responsibilities under the Legislation.

I think when the Mayor goes to Metro, he may bring the perspective of the local Council, but really, he is one more representative on Metro Council and he is a part-time representative, I want to tell you, because most of his energies and efforts will be directed back at the local municipality, but I do not think we need to worry about that because there are 28 directly elected representatives from 28 Metro wards. That is the way local governments are made up, you know. That is the way your provincial government is made up.

You have representatives of specific ridings, who all come together and collectively represent the will of the people of Ontario. They do it through a party system and we do not have a party system, but so what.

Ms. Bryden: Well, I think that is one of the reforms that are coming through Bill 29, that perhaps people do not

realize how important it is that the directly elected people are going to form the Metro Council, rather than a lot of appointees, in many cases, from different municipalities.

Thank you.

Madam Chairman: Thank you.

Mr. Black?

Mr. Black: Thank you, Madam Chairman.

I would gather, from your remarks, that you do not anticipate that the implementation of this legislation should either be delayed or that it will present any significant problems for administration?

Mr. Moscoe: I do not think so. Look, we are human beings. All of us feel uncomfortable with rapid change and there is some rapid change taking place and some people feel very uncomfortable about it.

I have great faith in the ability of our local governments to adapt fairly quickly to new situations. The councillors may not be able to adapt as quickly, but certainly the governments can and so I really do not think there is any need to slow this legislation down one bit; in fact, any attempt to slow it down is really an attempt to stall.

Madam Chairman: Thank you.

Mr. Black: Thank you, Madam Chairman.

Madam Chairman: Mr. Cousens?

Mr. Cousens: I appreciate Controller Moscoe's coming and I just had one question. Could you tell us what the "official position" of North York Council is and how it was arrived at?

Mr. Moscoe: North York Council officially is opposed to this legislation and it was arrived at by a show of hands.

Mr. Cousens: Any discussion?

Mr. Moscoe: Well, certainly there was some discussion, considerable discussion, but given the fact that presently six of the Metro reps were sitting there and five of them do not have much opportunity to get back down to Metropolitan Toronto, you can understand how they might be concerned and upset about changes.

The same thing with the controllers. You can understand how they may be a little bit upset. They now have to fight

a real election. They have to go door-to-door. They have never had to do that before. They used to simply wave the flag and somebody would put an "X" beside their name on the ballot.

Well, now they have to go into a real election campaign and they might even have opposition, door-knocking opposition, so you can understand how controllers would have a direct vested interest in this.

If you add up all of the vested interests, it is not surprising why North York Council would vote against this system; however, North York Council is a very flexible group and it managed to respond to the requests of the provincial government in anticipating this legislation and we have managed to group our wards without rancour and we are all ready to go and we are there. We have come right along.

Madam Chairman: Thank you.

Mr. Faubert?

Mr. Faubert: Thank you, Madam Chairman and Controller Moscoe.

Howard, it is interesting, you know, you represent and you opened up your statement on the basis that it is your personal opinion and based on your own experience, but you are also the Chairman of the large urban section of AMO. Have they looked at this legislation in the sense --

Mr. Moscoe: No. I am not here representing AMO--

Mr. Faubert: No, I know you are not representing them, but I just wondered --

Mr. Moscoe: --or AMO's views whatsoever.

Mr. Faubert: No. I appreciate that, but I just wondered whether there was any discussion at that level about changes to the Metropolitan structure. Was there any any discussion --

Mr. Moscoe: No. I think AMO would view this as largely being a local matter and of --

Mr. Faubert: Local of Metro?

Mr. Moscoe: Yes.

Mr. Faubert: Yes, okay. That is fair enough, thank you.

Madam Chairman: Thank you.

Mr. Farnan?

Mr. Farnan: Yes. There was something that you brought up, Mr. Moscoe. It was concerning the mayors and you mentioned that you would expect the mayors to spend a considerable amount of time dealing with their work as a mayor.

Mr. Moscoe: Um-hmm (affirmative).

Mr. Farnan: And then, I think that is a reasonable expectation of any member of the community, who elects a mayor, that they would spend some time at that job and a considerable amount of time.

You also point out that Metro is a full-time job and, just for the record, would the mayors on Metro receive the same remuneration as all of the other...

Mr. Moscoe: Well, that is to be sorted out. There has been a recommendation from the Committee and the recommendation is that the mayors receive one-third of the remuneration from Metro Council.

I believe that is the recommendation, one-third of the remuneration and then, of course, their salary for local council would balance that and that is in recognition that the role of the mayor is going to be greatly reduced or diminished in the Metro scene.

Frankly, the power of the mayor is going to be somewhat diminished because the mayor, then, has to convince seven directly elected members from North York of the rightness of his position or his council's position, rather than being able to pull a string and automatically get eight or nine votes when it comes down to a Metro decision.

That is very upsetting for the mayor, so I can understand why the mayors would be very upset about this change, but it is --

Mr. Farnan: Actually, the matter has been addressed.

Do I take it, then, also that the salary of the mayor would be brought up, like, up to the level of the regular full-time member of Metro Council?

Let's say, if the salary plus a third did not meet the Metro full-time position, that it would actually be lifted, so that it would be equal to -- is that the --

Mr. Moscoe: I have no doubt that the mayors will be well paid for their participation in both local government and Metro government.

Mr. Farnan: Has that been established as a principle?

Mr. Moscoe: It may not have. All I know is that the Metro committee is recommending one-third of the salary.

Mr. Farnan: Yes, okay. I think that answers my question, thank you.

Madam Chairman: Thank you, Mr. Farnan.

Mr. Neumann?

Mr. Neumann: Just briefly, Madam Chairman, the last two speakers mentioned about the roles of their councils and I just wanted to clarify for the Members of the Committee and the two delegations that have appeared that the previous Minister of Municipal Affairs, when the initial report was released in November '86, outlined the procedure that would be followed, which was to forward the report which had the options presented to all municipalities and to request that they involve the public in the process and that they have their comments in by March 31st.

The Minister was then to review their responses and then the Cabinet would make a decision on the drafting of the legislation.

That proceed has been followed and just for your own information, the City of Etobicoke responded on February the 27th, 1987, and their response, basically, is reflected in the Bill.

The City of North York did not respond until April 13th, but their response was a simple three paragraph resolution, asking for the status quo to continue.

Madam Chairman: Thank you.

Mr. Cousens: Could I have a copy of the different responses that came back that Mr. Neumann is now talking about?

Madam Chairman: I am sure that they could be made available.

Mr. Neumann: They are and can the Members all have that?

Madam Chairman: Sure. All Members of the Committee should have those responses.

Mr. Neumann: We can make available the specific responses of all six municipalities.

Mr. Cousens: Was there a letter sent, Madam Chairman,

to the different municipalities that asked for that?

Mr. Neumann: Yes.

Mr. Cousens: Could we have a copy of that, as well?

Mr. Neumann: The letter from the Minister to the municipalities?

Mr. Cousens: To them and the replies and responses that they gave?

Mr. Neumann: Yes. In the case of the letter to the municipalities, they were all basically the same, so we could just provide you with the one copy. It went to all six mayors.

Mr. Cousens: When was that sent out?

Mr. Neumann: February 2nd, 1987.

Mr. Cousens: Did all of them reply?

Mr. Neumann: Yes, they did.

Mr. Cousens: What was the time frame of their responses?

Mr. Neumann: I have outlined the two. Actually, I would have to -- can I perhaps come back with that information?

Madam Chairman: The dates will be on the letters and they will be provided to you, so I think the answer will be there on that.

Thank you.

Mr. Moscoe: Thank you.

Madam Chairman: You have actually brought us back to schedule. That is wonderful, thank you.

Mr. Faubert: Thank you, Howard.

Madam Chairman: The next gentleman is Bob Yuill, a Controller from North York.

If I could, I would remind you, Mr. Yuill, you may not have heard my comments at the beginning. We are dealing within half-hour time frames for both your presentation and the questions, in order to stay on schedule and not hold the other delegates up.

We are back on track on that. It is 3:02. The floor is

yours.

Mr. Yuill: I will be more than pleased to accommodate you, Madam Chairman. I appreciate you altering the time, so that I could be here this afternoon.

Madam Chairman: Thank you.

Mr. Yuill: I am here officially as the Chairman of the Direct Elections Committee of the City of North York and I have brought with me Blair MacLeod, the City Clerk, Charles Onley, the City Solicitor and George Dixon, the Deputy City Solicitor, so that if you want any information from our staff with official capacity, they are here and available.

The official position of the City of North York, which you have received in the correspondence, dated April the 13th, is that we had voted in favour of status quo.

The second thing is that we thought that the Metro Chairman be elected by Metro Council before the ensuing election.

The reason for the last one is that that would permit mayors and anybody else on Council to run for that particular prestigious office and if they did not, then they could, in fact, run for mayor back in their own bailiwick.

Our thought, Madam Chairman, was that to quote one of our Members of Council, "If it ain't broke, why fix it," and it was a feeling of our Council is that the things in North York, as far as we knew, things were going quite well. There was no bellyaching or complaining by the electorate that things that were wrong and that they were not being properly represented and things were fine.

The question we had then is, why change and go to this expense because, as I think it has been pointed out probably before, that this change is going to be terribly expensive to the taxpayers of Metropolitan Toronto and we can see that there is very little to be gained by that.

One of the points that has been harped on continually by your Committee or your government, I guess, is accountability and I am just a little curious.

One of the things that you have said is to abolish the boards of control and to replace the boards of control with an executive committee and if you are intent on being consistent, the boards of control are accountable to the electorate in the City of North York.

We are elected by them, we are responsible for finance, et cetera, and if that is to be replaced and abolished, you are then replacing them with an executive committee,

presumably an executive Committee, which are not accountable; exactly the same thing, so that, in fact, you are contradicting yourself in your particular position of accountability as far as the office is concerned.

I guess one of the points that I want to bring up with you and I am not sure why you are having these meetings. It appears that you are here to have input on whether, in fact, there is something wrong that should be corrected, but it appears that the decision has been made and, perhaps, that you want to have public input for something that you have not thought of. Am I correct in that?

Madam Chairman: We have the opportunity to amend the Bill when we go through it clause by clause, so all of the--

Mr. Yuill: Right. But you are not very likely to reverse it?

Madam Chairman: --all of the input from all the delegations will be taken into consideration by the Members and amendments brought forward and then voted on by the Committee, so the amended version, whatever it may well be, will then go back to the House.

Mr. Cousens: You are right.

Mr. Yuill: In our procedure, an amendment is not a reverse, is it?

Mr. Polsinelli: Well, the Legislature has already approved the Bill in principle on the second reading and...

Mr. Yuill: Therefore, an amendment might be a delay or a correction?

Mr. Polsinelli: Well, the Committee is at liberty to do what it wishes with the Bill, even not report it, if it wishes to do so, but the Legislature has already approved the principle of the Bill.

Mr. Yuill: One thing that you have not addressed in this report, from the information that I have, is that you have not determined exactly the function of what I would call the 'executive committee' and what jurisdiction it will have and I think that should be clarified or are you going to leave that up to the local municipality?

If we do have the executive committee, do you have any say about who is going to be the acting mayor and the first alternate acting mayor? That has not been addressed or is that going to be up to the local municipality and that should be clarified.

One of the concerns that I think you should address very

seriously is the role of the acting mayor. If the Mayor of the City of North York absents himself from Council for whatever reason for a short period of time or for a long period of time, is the acting mayor able, then, to go to Metro Council to represent the mayor in that capacity? I gather at the present time, no. It should be addressed.

If the acting mayor is not to represent the City Council at Metro in the absence of the mayor, it could be that the City of North York is not represented on a Metro Council for a long period of time in the absence of the mayor and I do not think that is quite correct, if we are, in fact, to be represented at Metro Council.

You may say that the seven Metro councillors may represent the City Council. My understanding is that the purpose of this direct election is they shall not represent the City of North York. They will not sit on the City of North York Council. They will not even be invited in. We will not even let them use the washroom unless they use the public one.

There is no relationship to the Metro Council to the City Council, according to what we understand from your Bill here, so, in fact, if the mayor absents himself from office and the acting mayor is not to represent the City Council, then the City has no representation on Metro.

If that is what you want, I presume that is what you will get and it will be most unfortunate for the local municipality.

I believe those are the matters that I have been concerned about; the accountability, the increased costs, the reason for it. That has already been determined by your government and the jurisdiction and responsibility of the executive committee. I should hope that you would address that.

You have asked what we have done. I have been appointed the Chairman. We are dealing with all aspects of this and we would like to have some answers on that.

The only thing we have done because of the urgency and the restricted time schedule, as far as you are concerned and we are concerned to our clerk, who is here, is to determine the composition of the municipality as far as the Metro wards are concerned.

It worked out very nicely that we had 14 wards, we have we have seven Metro Councillors and we abutted two each, after a discussion with all Members of Council and we called a public hearing and advertised it widely to have the public come in and to give great input and I can advise you that two defeated politicians showed up to have input, show their

interest in what direct elections to Metro mean.

When the election comes along, they will probably change. If you wish to have a copy of this, that is available and our clerk can supply any further information. That is my position.

Madam Chairman: Thank you very much.

Mr. Cousens?

Mr. Cousens: Again, we appreciate Controller Yuill's presence and participation and concerns being expressed.

I am somewhat concerned, Mr. Yuill, with some of the remarks of the previous presentation, Mr. Moscoe, who seemed to feel that Council were really -- and quite candidly, I sense, from your presentation, a very genuine concern about the future of North York, as he has, but that the motivation for North York's opposition to it was very much a self-preservation of politicians and I sensed that coming through and I do not know, was there a considerable debate by Council and was it a large feeling being expressed?

I mean, what he is saying is, the controllers are all losing a job. Are you losing a job out of this thing? Is that why you are opposed to it?

Mr. Yuill: There are lots of jobs around. I am not concerned about that. I think I was doing a good job. I see no reason why I should be fired, if you want an answer that way.

Mr. Moscoe, I considered the source from whence that came. Mr. Moscoe was totally opposed to the board of control, so he ran for the board of control. Does that answer your question?

Mr. Cousens: Yes, it does, thanks.

Mr. Yuill: The debate that we had, which was intense, was, in fact, that the majority of the Members of Council felt that the City of North York was being well run from a government point of view, that we felt from the grass roots that the people in the City of North York felt that things were fine and they could not justify any radical change.

The other thing, which I spoke to was the accountability of the Board of Control, which is accountable, whereas an executive committee in the same sense is not, any more than the people that we appointed to the Metropolitan Council are not accountable.

Mr. Cousens: Just to follow along on that one, then, would you see there being some value in having some kind of

membership on the local council, as well as the Metro Council because by losing the controller being on both Councils? Would you comment on that?

Mr. Yuill: Well, that is what we have had and it worked quite well. The local councillors were on the Metro Council and there was a good interchange and we did, in fact, relate, for instance, as Mrs. Stoner knows and a few others, that I sat on the North York Parks Committee. I also sat on the Metro Parks Committee. Mrs. Stoner has sat on the Conservation Authority.

There is an interlocking thing there that is very important and problems come up and it was advantageous for me, when I am dealing with a local problem, to deal directly by phone call with the Metro Parks Commissioner or with the Chairman of the Conservation Authority and resolve problems rather quickly, whereas now, with this particular system, we will deal exactly like we deal with the provincial government, that we will have to go through Council. We will have to pass a resolution and the resolutions from the Council shall have to go on to the provincial government and the provincial government will put it on to a committee and et cetera, et cetera, and whenever the decision comes out, we will all be out of office.

Mr. Cousens: Yes. Got you, thank you.

Madam Chairman: Mr. Owen?

Mr. Owen: Yes. You have mentioned that you have some concern if the mayor is on one Council and on the other Council, both, if he is not able to be at the Metro level, you have not got accountability to both sources of who he is representing. One of the criticisms that I have heard in the past of the present system is that you have six municipalities.

If you have a representative who is on both and they are meeting at their local level, they cannot be at the other and that I have heard consistently that sometimes the attendance has not been the best at the Metro level.

Now, if this is the case, is this not resolving that, then? We are not having them wear two hats at the same time. They do not have to be two places at the same time. Are we not, by this method...

Mr. Yuill: I sit on the Metro Executive and I have not experienced that problem. If I am not at a particular meeting, et cetera, it is for perhaps more important things like having an interview with the television or something, but as far as the jurisdiction is concerned --

Mr. Owen: You do not think there was something else

that was pulling them away?

Mr. Yuill: The local meetings are planned not to conflict with the Metro Council meetings.

Mr. Owen: And that has worked--

Mr. Yuill: And it has worked out quite well.

Mr. Owen: --with all six municipalities?

Mr. Yuill: There has been no problem to my knowledge whatsoever. The point that I was making, which I hope you will address and resolve is that the Metro Councillors are not responsible to the North York Council nor shall there be any relationship.

They will deal with the Metro load and we will deal with the local load, but when the North York Mayor is absent through illness or vacation or disease or whatever, then we in the City of North York will have no representation on the Metro Council.

Mr. Owen: That is my second part, then, of my question. You have said that "...North York will have no representation on Metro..."

Mr. Yuill: Right, on Metro Council, North York Council, I am sorry.

Mr. Owen: Yes. But there are seven elected from North York, who are just as accountable to the voters as you are accountable to the voters in North York, itself.

Mr. Yuill: On Metro matters only.

Mr. Owen: But they are elected to deal with Metro matters and are accountable to the voters. If you run in North York, you are elected to deal with your area matters and you are accountable to the voters.

I am not seeing that. You think that they are less accountable to the voters than you are accountable to the voters?

Mr. Yuill: It is almost exactly the same as Mr. Polsinelli, who was elected in the City of North York on the provincial government.

He was accountable to the provincial government and there is no relationship with him to the City of North York Council and our problems and expenses.

Mr. Owen: But he is accountable to the people who elected him here.

Mr. Yuill: On provincial matters.

Mr. Owen: On provincial matters.

Mr. Yuill: Right.

Mr. Owen: And the Metro people are accountable for Metro matters to the voters.

Mr. Yuill: Right.

Mr. Owen: I do not quite see --

Mr. Yuill: And the federal guys, the federal.

Mr. Owen: The same with federal and, you know, to me, it is working federally, it is working provincially; why would it not work Metro and why would it not work for your local government?

Mr. Yuill: Well, from my experience, it will not work, but if you follow that, sir, then why have the North York Mayor on Metro Council, at all?

Mr. Owen: Well, someone questioned that.

Mr. Yuill: I hope he has some representation.

Mr. Owen: Yes. But -- okay, fine.

Mr. Yuill: There is an interlocking problem. You know, I mentioned parks. I can also mention roads, that you come out on a particular side road and you stop there, where the stop sign is and you say, 'Now I am Metro jurisdiction and, therefore, we have no jurisdiction.' You deal with the Metro.

Mr. Owen: It is like School Board.

Mr. Yuill: You go along and then you come down further and you get off the Metro road and you go onto the provincial highway.

Mr. Owen: It is like a School Board, though. The Trustees are accountable to the people who elect them. Why are they less accountable to the voters than an alderman is accountable to the voters?

Mr. Yuill: Well, I am talking from experience. It just will not work that way.

Mr. Owen: But it does with the School Boards.

Mr. Yuill: I would question that, but all right.

Mr. Owen: I see.

Madam Chairman: Thank you.

Mr. Owen: Okay, fine.

Madam Chairman: Are you finished your questions, Mr. Owen?

Mr. Owen: Yes.

Madam Chairman: Ms. Bryden is next.

Ms. Bryden: Yes. Well, thank you very much, Mr. Yuill, for coming to give your viewpoint and also for offering to let us have the map.

I wonder, does the map show the estimated population for each ward?

Mr. Yuill: Yes. Maybe I should give you those figures. The first ward, starting from the west, going to the east, the Metro wards will be 85,072. The next ward will be 92,474. The next ward will be 76,306. The next ward will be 63,434. The next one is 64,349. The next one is 88,758 and the last one is 86,005.

Now, your recommendation is that should be in the neighbourhood of 75,000. If you want, we could reorganize the whole structure of North York and probably come up with that and that would bring it into the year of 2,000, I presume, after public hearings on one like that. We had enough trouble getting it this way.

Ms. Bryden: Well, yes. I can appreciate when you have been well-established on those wards and you are --

Mr. Yuill: No. These are only two years old. We just did them a while ago.

Ms. Bryden: But there is a fair variation, although it is within the --

Mr. Polsinelli: They are two terms old.

Mr. Yuill: Two terms, all right.

Mr. Polsinelli: Six years.

Ms. Bryden: It is within the plus or minus, but the area wards, are they shown on the map, too, or has it been finalized?

Mr. Yuill: Yes.

Ms. Bryden: Have you got separate populated figures for them?

Mr. Yuill: Yes.

Ms. Bryden: I am not really asking you to read them all out, but perhaps you could supply us --

Mr. Yuill: Well, they vary from 30,620 to 44,871.

Ms. Bryden: That is probably the pertinent information. If you have a moment before you leave, to give the --

Mr. Yuill: They try to follow geographic boundaries without too much gerrymander.

Mr. Cousens: Without too much, but some.

Mr. Yuill: I did not do it.

Ms. Bryden: So that I think, at least, you are attempting to follow 'rep by pop', but it is not perfect. It is not a perfect 'rep by pop', but no other municipality, either, has produced a perfect 'rep by pop'.

Mr. Yuill: When you deal with major boundaries, it is almost impossible, unless we are going to cut through back yards and that has never been feasible in politics.

Ms. Bryden: But do any of the area wards cross the Metro ward boundaries?

Mr. Yuill: No.

Ms. Bryden: Well, that is an important principle.

Mr. Yuill: No, no.

Ms. Bryden: And are there the same number of area wards in each Metro ward?

Mr. Yuill: Yes, two.

Ms. Bryden: There will be individual elections, then, two people elected separately in each Metro ward?

Mr. Yuill: That is correct.

Ms. Bryden: Okay. Well, thanks very much.

Madam Chairman: Thank you, Ms. Bryden.

Mr. Faubert?

Mr. Faubert: Madam Chairman. Bob, there are a couple of comments you made and I just wanted to get some clarification. Number one was the recommendation by North York that the Chairman be elected prior to the election. I thought you said that. I did not...

Mr. Yuill: Yes. What we felt is that the Metro Council sitting now, all the Members of Metro Council may consider running for the Metro chairmanship.

The way the legislation is coming down is, you have to quit your local municipal job, which is the mayor, and run locally, become a local councillor and then run and try and get elected.

As a result, not very many mayors are anxious to do that. If there was to be -- Tonks, I think, is the only one that it says so far -- if you elected in advance, to be a Metro chairman from that Council, from their peers, it could well be that the mayor of the City of Toronto, Scarborough East York or whatever would throw his or her hat in the ring and run and probably get elected and if he did not, then he would continue to run as a mayor of whatever municipality he is in.

We felt that perhaps you would get a better choice of somebody with a little more experience than the system that is being proposed.

Mr. Faubert: But during the debate --

Mr. Polsinelli: If he got elected, would he still have to win a Metro seat?

Mr. Yuill: That is optional. We did not get into that. That is what you want. Personally, if you want my opinion, it is wrong that the Metro Chairman should be representing a Metro ward, having that much experience on the Metro Council and knowing the amount of time that it takes, that he would, in fact, be totally unable to represent that particular constituency and would hire somebody to do the job, whereas at the present time, the experience has been that the people like to have their local representative in their area representing them and coming up and talking to them about their personal problems or their municipal problems; if he is the Metro Chairman, no way.

Mr. Faubert: I do not think I have the floor, Madam Chairman.

I wanted to just get back. During the discussion of that proposal, was there no recognition of the anomaly of having an outgoing Council electing an incoming chairman? I mean, surely, that -- the logic escapes me, of that proposal.

Mr. Yuill: It would be, in our judgment, the time that those people fully experienced and knowledgeable about the capabilities or the lack of capabilities of that Member of the Council would justify voting or not voting for him or her and passing and that on to the next Council.

Mr. Faubert: Well, I guess you could make an argument on that--

Mr. Yuill: Well, I did.

Mr. Faubert: --but I would not buy that.

The second point, Madam Chairman, is that probably you will mention about the Executive Committee, Metro. The legislation does address the right to set an executive committee, but were you talking about the powers of the committee or the duties of the committee?

Mr. Yuill: No, I am sorry, Frank. I am talking about the Executive Committee of the local Council.

Mr. Faubert: Oh, Executive Committee of the local Council. But local councils have the right to establish whatever committees they see and if they indicate they want an executive function, they may not have the right to establish an executive committee and --

Mr. Yuill: I do not think that was spelled out in your proposed legislation. Am I wrong in that?

Mr. Faubert: That is not spelled out in the legislation, but that is left -- that is the power they have under the existing Municipal Act.

Mr. Yuill: That is correct and I am asking you to address it or you can be silent on it or you can point out that this is the jurisdictional responsibility of the local Council to give the authority of the Council for the responsibilities of the Executive Committee and they shall be responsible for budgets and --

Mr. Faubert: Okay. You are saying that if, indeed, local councils establish them, you want spelled out the duties of that?

Mr. Yuill: Well, either yes or no, but I want you to be to at least knowledgeable about it. It can be a problem and the major thing is, who is going to be the acting mayor and how is that to be arranged and who is going to be the first alderman man acting mayor and how is that to be arranged?

Mr. Faubert: You are not the first one to raise that particular point about the Executive Committee, so you are

on side with that one, I guess.

Mr. Yuill: Yes. It is something that is of great concern to us in North York.

Mr. Faubert: Thank you.

Madam Chairman: Thank you, Mr. Faubert.

Mr. Black?

Mr. Black: Thank you, Madam Chairman.

Mr. Yuill, I would gather from your remarks, that your main concern is that the people elected from the City of North York to Metro Council will not be accountable to North York Council; is that correct?

Mr. Yuill: That is correct. Well, that is not my major concern, but that is a concern, yes.

Mr. Black: It is one of your major concerns?

Mr. Yuill: Yes, hm-hmm (affirmative).

Mr. Black: It would seem to me that that confirms for me, then, that the purposes of one of the objectives of this legislation is, in fact, being met, that there was a concern that too often, people who came to Metro Council came with a particular position from their borough, rather than come with an overall concern for the good of Metro.

Mr. Yuill: Unquestionably, and I might say that from my experience in politicians is that they will still represent the two wards in North York from which they come and will fight for those regardless of what is going on in Scarborough, Toronto or Etobicoke. That is where they get elected.

Mr. Black: I would hope that is not true, sir. I guess time will tell us whether you are right or I am right.

Mr. Yuill: I think it is probably obvious, if you know the municipal politics.

Mr. Black: It is not to me and I do know municipal politics.

Mr. Yuill: In fact, that is where -- this has been, if I could just elaborate, that has been the problem with the present procedure in the City of Toronto, where you have one alderman elected in one ward and one Metro councillor elected in one ward and those Metro councillors, who are directly elected and accountable are supposed to be full-time politicians down at Metro, and we are going to

come in here like gang busters and shake it all up and really concentrate and do Metro work.

We see just as little of them now as we did before. The absentee rate at the City of Toronto is probably the highest of any municipality down here because they are too convenient to go back into their office and deal with local matters and they are fighting with, the Metro Councillors are fighting with the City Aldermen for territory and votes just as much as they were before; that is a fact. That is how they get elected.

Madam Chairman: Thank you.

Mr. Black: One clarification, Madam Chairman. I wonder if Mr. Neumann could address the question of whether the Municipal Act covers the question of executive committees in area municipalities or not?

Madam Chairman: Mr. Neumann is on the list next.

Mr. Neumann: Well, I believe that all Councils across Ontario have the right to establish whatever committees they wish to establish.

The distinction may be, here, similar to what we heard this morning; that is, that Councils cannot delegate the power to act to those committees. Those committees are responsible to report back to the Council and the Council then must act.

I believe what we are hearing from some of the Councils is that they would like executive committees to have the same authority or similar authority to what Boards of Control have had.

Mr. Black: But, in fact, the concern that Mr. Yuill has raised, then, in terms of whether there can be an executive committee and the ability for the Council to identify the responsibility for that executive committee have not been altered by Bill 29?

Mr. Neumann: I think that is provided for in the Bill. The area councils can establish whatever committees they wish and assign to them whatever duties and responsibilities they wish, but those committees will be accountable back to the council.

Mr. Black: Thank you.

Mr. Yuill: Just for clarification, did I understand we could not establish an executive committee to have the responsibilities of the present Board of Control?

Mr. Neumann: Could not.

Mr. Yuill: We could not? Why?

Madam Chairman: Mr. Neumann, you had some further comments? I had you on the list. I do not know if you have covered your point.

Mr. Neumann: Yes. Well, the question was raised about the substitution issue for a mayor who may be absent. The Bill does not provide for that. The previous Metro Bill did not have that and I do not believe it was a part of the deliberation of the report for the Task Force, as well.

It is something that the new Metro Council may wish to address and it might be a subject for a future amendment, if it is a concern. It does occur in some regional councils. There is a --

Mr. Owen: It is not -- in these amendments we had?

Mr. Neumann: No, it is not. It does occur in some regional councils, in some Bills, where, if the Mayor is incapacitated, the council may appoint an acting mayor as a substitute.

Madam Chairman: Mr. Mahoney, you had a comment on that?

Mr. Mahoney: Mr. Yuill asked the question: Why can an Executive Committee that is established not be given the power of a Board of Control and we did deal with that a little bit this morning. Maybe you could just respond to that.

Mr. Neumann: Yes. They could be. It is the decision of the government that they should not be and that is so that all Members of Council have the same status and that is a part of the thrust of this Bill, in abolishing boards of control.

Madam Chairman: Thank you. Thank you, Mr. Yuill.

Mr. Yuill: Thank you.

Madam Chairman: The next presentation is from Sheilagh Purcell from the Concerned Citizens for Civic Affairs of North York.

Mr. Yuill: Did you want copies?

Madam Chairman: Yes, thank you, if you would give it to the clerk.

Mr. Yuill: Thank you very much.

Madam Chairman: Is Sheilagh Purcell present?

Mr. Williams: Madam Chairman--

Madam Chairman: Oh, I am sorry.

Mr. Williams: --I am substituting for Mrs. Purcell. She is busy on a very expensive case at the Ontario Municipal Board at the present time and so she has asked me to come in, in her place.

Madam Chairman: And you are?

Mr. Williams: And my name is Collin Williams.

Madam Chairman: Collin Williams?

Mr. Williams: Yes.

Madam Chairman: Mr. Williams, I do not know if you were here when I explained to previous delegations, but we have a half-hour time span in which your presentation and the questions should take place. It is up to you to allocate your time accordingly.

Mr. Williams: Will do.

Madam Chairman: It is nice to meet you.

Mr. Williams: Now, Madam Chairman, I would like to thank you for the invitation to come here. I should explain that I come, as representing a citizen group. We are not ratepayers, per se, and I trust that your invitation also went out to tenant groups and to condominium groups, as well as to ratepayers.

Now, in my presentation, I would like to touch on a number of topics; first, the status quo in North York. We have a slightly different viewpoint than the viewpoints that you have heard today.

I would like to touch on some major Metro problems that we feel this legislation should be addressing and, to some extent, is addressing. We would like to touch on the North York study of the options and then review Bill 29 and in this connection, we would like to go over some topics we feel should be in the Bill and then make some comments on the Bill, itself. If I can find mine paper...

The Council of North York, as you have heard, advocates the status quo. We feel this is good for the present majority on Council.

Under the status quo, only one of the Metro representatives lives east of Yonge Street. Two live in the Town of Vaughn. For some years, Don Mills has had no

representative at Metro. There are two wards which serve the Don Mills area.

For these and other reasons, we feel that the present arrangement is undemocratic and change is desirable. The Mayor was elected in 1985 with an overwhelming majority. About 20 per cent of the electorate supported him. The average voter turnout in North York for the last 25 to 30 years has been approximately 30 per cent.

In my particular ward in 1985, less than 23 per cent of the electorate voted.

Madam Chairman: Which ward number?

Mr. Williams: Ward 12. We also have the general problem with respect to municipal tax reform. This appears to be stuck in a bog. I suggest that these are matters, which the Parliament of Ontario should be addressing.

Now, let's look at the problems in Metro and I would like to list five of them particularly, one is Housing.

Obviously, we are not providing for the housing of our people properly. We have incompatibility between Development Planning and Transportation Planning.

Controller Moscoe has spoken to you about the intense development downtown in the City of Toronto and at the same time, we are not providing the transportation infrastructure to support this.

We have problems in our policing. We have garbage disposal problems and we are doing little or nothing to preserve the green belt around Toronto.

The Committee of the North York Council considered the report from the Task Force and held a public hearing on the 16th of March, last year and I believe that you should have a copy of our submission.

I would like to draw your attention to four particular points, one is, we feel that a candidate for local office should live in the ward. We tend to favour the Toronto model over the one, which is proposed in Bill 29.

(3) We would eliminate cross-city elections and the Bill certainly makes a step in that direction with the elimination of the Board of Control. We would prefer to eliminate cross-city elections.

(4) The Mayor would not be a Metro Councillor.

We would like to offer some comments, now, on Bill 29. First, we believe that it is a good Bill, good in the sense

that Dr. Gilbert spoke of this morning. It is part of an evolutionary process and we would like to see this evolution progressing at a slightly faster pace than it seems to be at the moment.

There was a long delay between the time of the reply of Councils to the Task Force Report and the decision to proceed with Bill 29. Now, there was a coronation to take place in the meantime, but it would have been better if this decision could have been announced in the summer of last year.

But why is it a good Bill? The Councillors will be able to give their undivided attention to Metro problems. It will be less distracted by local matters. The selection of a chairman from within the Council enhances the democratic nature of the Council.

The May 1978 White Paper, dealing with the question of the Board of Control quotes the Robarts Reports as follows:

"Boards of Control are divisive elements in the relationship between councils and their administrations. They also lead to rivalries within councils. Directly elected controllers add to electoral costs and create a unduly long ballot, which reduces the chance that the elector will make an informed thoughtful choice."

How can this Bill be improved? First, we would like to touch on some topics, which are not covered by the Bill.

We favour one person, one vote. The ward in which a person votes being determined by the location of the person's principal residence. A candidate must also been an elector in the ward.

(2) There should be an improved tax base available to municipalities, perhaps through income tax, so that less reliance is placed on provincial hand-outs. The whole idea of a hand-out reduces the true accountability of a council.

You heard presentations this morning concerning the subject of citizen participation in boards and commissions.

We have no objection to citizen membership in such commissions, but feel that it is very important that the policies guiding these bodies should be clearly established by the Council, so that the Boards and Commissions are then concerned with tasks of a more administrative nature.

No provision has been made in the Bill for super-Metro bodies. These are bodies, perhaps Planning Board or some such term to deal with matters which need a wider coordination than just Metropolitan Toronto. Such matters are Transportation Planning, Garbage Distribution and the

Toronto green belt.

I would like to touch on corporate contributions to municipal election expenses. Under the Income Tax Act, an expense is justified only when there is hope of a reward. Such thinking should be eliminated from municipal affairs. Corporate contributions should be banned. Democracy is for real people, not for corporations.

In the Planning Act at the present time, there is a requirement that both tiers; that is, Metro and the area municipality, prepare Official Plans and there is no clear division between the responsibilities of these two levels.

The only thing that is set out in the Planning Act is that the Metro Plan shall prevail. This lack of a clear division could, with another vigorous Metro Council, lead to some conflict.

Now, we would like to comment on Bill 29, itself, and first, I would like to refer you to Section 3, page 3.

Mr. Cousens: Section 3, did you say?

Mr. Williams: Section 3, which is on page 3 and in particular, with 5a(3) and we would recommend that the Minister publish the proposed arrangement. Our recommendation is that the Minister...

Mr. Farnan: Madam Chairman, I think the delegation is trying to get the attention of the --

Madam Chairman: I am sorry.

Mr. Williams: Our recommendation is that the Minister publish the proposed arrangement under 5a(3) and then allow two weeks for representations before the seeking approval of the Governor in Council.

The reason for making this suggestion is that a proposal was advanced and apparently not accepted, but nonetheless advanced, that the North York Council establish Metro wards which straddle Highway 401.

The purpose of this proposal would be to ensure that greater support at Metro is given for the Sheppard subway. Our feeling is that such gerrymandering is not in the public interest.

Now I would like to refer you to page 5, dealing particularly with 5c(1).

Mr. Cousens: Sorry, I missed it again.

Mr. Williams: Page 5, at the bottom of the page, 5c(1),

and it deals particularly with the term of the Metro Chairman and our suggestion is that the Chairman be elected for not more than one year.

Our feeling is that this would encourage the Chairman to act more as a consensus builder and less as the Metro boss. This person is a councillor who has the added duty of acting as a Chairman and occasionally a spokesman for Council.

Perhaps even better would be the parliamentary model, whereby the Chairman and the executive hold office at the pleasure of Council.

Then on section 10, page 8, our feeling is that the proposal to select the Chairman of Metro Council is a very good arrangement and we would advocate that the same arrangement be adopted for the selection of mayors.

Now, a general vote a commonly used in North America, but if you look for models a little wider, in Australia and Europe and Britain, the Mayor or Chairman of Council is more typically elected from Council and this would, in our view, be a more healthy arrangement.

So, those are the recommendations, Madam Chairman.

Madam Chairman: Thank you, Mr. Williams.

Ms. Bryden?

Ms. Bryden: Well, you have presented some very thought-provoking improvements. Your one about having public hearings between the time the Minister makes his recommendation or --

Mr. Williams: Could I correct that, please? I recognize that there was a very short interval of time at that point and so, therefore, it is not for public hearings.

It is merely to give people the opportunity to make representations to the Minister, so that he can have second thoughts before passing the matter into law.

Ms. Bryden: Certainly, it is worth contemplating, especially in view of the fact that the Minister is thinking of suggesting that the time limit for producing the plans be reduced from 60 days from to 30 days.

Would you have the plan on display in a few places like libraries and civic offices, so people could look at it before they make their comments or how could it be published?

Mr. Williams: It could be by newspaper advertisements, but I recognize that because November is not very far away,

this has to be done in a very speedy manner, so perhaps newspaper advertisements would be appropriate.

Ms. Bryden: I do appreciate also you raising the point of coordinated planning for both official plans, development, transportation and things, which was raised earlier today by Alderman Gilbert and has been mentioned by others.

The problem is, how you achieve this, you know, what sort of a vehicle do you use for the coordinated planning?

Mr. Williams: Well, I think that there is a need to establish clearly how detailed the actual planning -- I am thinking particularly of the Official Plan.

Councillor Jakobek raised the question of Metro getting involved with the zoning. In my mind, there is no problem there because the Planning Act clearly sets out that zoning matters are for the area municipality, but in the case of the preparation of the Official Plan, the dividing line is nowhere near as clear; in fact, there is no dividing line set out, at all.

With a more vigorous Council, there is the danger that eventually things, which are presently covered in the local Official Plan, would become covered by Metro and then there would be an overlapping here.

Ms. Bryden: Has your organization seen the proposed map that was presented to us today for North York of the new wards and -- new Metro wards and area wards?

Mr. Williams: I have not, no.

Madam Chairman: I will give you an extra copy.

Ms. Bryden: Well, I was just wondering whether they had had time to have a reaction to it, but probably, if you have not seen it, you would not be able to pass a judgment on whether it solves some of the problems that you mentioned, such as no representative from Don Mills under the present ward system.

This is a proposed new ward system, but I think it is unfair to expect you to pass judgment on it. Perhaps your organization might wish to, in the next short while, inform me unless more public meetings are being held on this proposal, which may be a possibility, also.

Madam Chairman: Thank you, Mrs. Bryden.

Mr. Mahoney?

Mr. Mahoney: The issue of the Executive Committee, I am

not quite clear. You have suggested that there be an executive committee and that it be for a term of one year. Is that in your written presentation?

Mr. Williams: Sorry, not in the written presentation, no, sir. What was suggested was that it be for not more than a year.

Mr. Mahoney: Are you talking in terms of a Board of Control?

Mr. Williams: Well, an executive committee and the arrangement whereby the Council assigns the duty to this committee, seems reasonable.

Now, in the case of Metro Toronto, there is the requirement in Bill 29 that the Chairman could be part of this Executive Committee; however, since --

Mr. Mahoney: The Chair of it, I believe, isn't it?

Mr. Williams: I am sorry?

Mr. Mahoney: Is that the Chair of it?

Mr. Williams: Yes.

Mr. Mahoney: Yes.

Mr. Williams: However, this does not really mean very much because there are no duties set out and the Council can very well choose to assign trivial things to this Executive Committee.

Mr. Mahoney: I would just like to be clear that you understand that this Bill abolishes boards of control and does not give the authority to establish an executive committee in the same sense as a board of control.

Mr. Williams: Yes. We are aware that --

Mr. Mahoney: An executive committee can be set up and Council can delegate certain powers, but they will not be able to function as a board of control.

Mr. Williams: We are fully aware of that and we applaud that.

Mr. Mahoney: Thank you. In your written statement, you suggest that the Mayor should not go to Metro and I believe it says: "Since as Chairman of the local Council, their prime responsibility would be to their own city."

Mr. Williams: Yes.

Mr. Mahoney: Who, then, would be the link between the local municipality and the regional municipality?

Mr. Williams: The proposal that we made in March to the Committee was that the Toronto model be followed, in which case you would have seven people who sat on both Metro and North York and this would provide a very good channel of communication.

Mr. Mahoney: But when voting for that individual, as a voter at the polls, would you be electing them to the local Council and then automatically, as a result of that, they would go to Metro or would you be electing them as a regional councillor, who would then automatically serve locally; which are you voting for?

Mr. Williams: As I understand the Toronto model, each candidate chooses whether he is to be a Metro Councillor or a City Councillor.

Mr. Mahoney: And either way, he would serve on the other?

Mr. Williams: If he was a Metro Councillor, he would also serve on the City Council, but would not participate in City committees and this would provide a good --

Mr. Mahoney: You do not find that a little confusing to the voters, Metro-wide?

Mr. Williams: Perhaps a little, but it does provide this good channel of communication, which is a valid question you have raised.

Mr. Mahoney: One brief comment, noting that you got back on schedule. Since I was not here in the first hour-and-a-half, it is been pointed out to me by several Members of the Committee, so I will not take too long, but somewhere I read that, as well, you felt this would be an improvement, since there would not necessarily be the interests of one council being dominant at a Metro Council Meeting and I tend to agree very strongly with that.

Thank you, Madam Chairman.

Madam Chairman: Mr. Cousens?

Mr. Cousens: I think my question has been answered.

Madam Chairman: Thank you.

Mr. Neumann?

Mr. Neumann: Yes. With regard to one of the recommendations specifying your procedure for input to the

Minister on the wards, once the Council has made a decision--

Mr. Williams: Yes?

Mr. Neumann: --I just wanted to point out to you that the Minister was here yesterday and said that once the Councils have submitted their proposals to him, he would be reviewing them and recommending them for approval through the Order-in-Council position, but he also said that he would, in doing that, also take into consideration any submissions he received from people who wanted to comment.

While there is not a laid out procedure, there is, nevertheless, a public involvement at the time the Councils are making their decisions and the Council decision-making process is a public process, so people are aware or should be aware, if they have an interest, of the proposal that is going from their Council to the Minister and if they wish to comment, the Minister said he would be receptive to hearing those comments.

Mr. Williams: I am very pleased to hear that and I hope that this announcement by the Minister is fully publicized.

Mr. Cousens: I think it is fair to say, if I can add to the point that has been made by the parliamentary assistant is that the Minister really did not give any criteria or guidelines other than 'rep by pop' on how he is going to be deciding this and, also, that he is working within a very close time constraint in order to get it all done, so that he did not indicate too much willingness to review it beyond just having it checked by 'rep by pop', so I think that you would have to be extremely persuasive on the basis of what he said yesterday to get him to do anything, so I would not get your hopes up.

Madam Chairman: Thank you. And thank you, Mr. Williams.

Mr. Faubert: Madam Chairman, may I just put one thing on the record here and Mr. White raised it and I think he raised the point about who we actually advertise to and I think he should be apprised of the fact that they were all the associations listed by the Clerk's Office in all the municipalities across Metropolitan Toronto and that included all the umbrella groups, such as your own, and many tenant groups, groups that are identified and I notice in here as residents, ratepayer, neighbourhood and cooperative groups--

Mr. Williams: Thank you very much.

Mr. Faubert: --just for your assurance on that.

Madam Chairman: Thank you.

Mr. Cousens: -- did not advertise it.

Mr. Faubert: Wrote them a letter.

Madam Chairman: Mr. Alan Tonks, the Mayor of the City of York is our next delegation.

Mayor Tonks, we have allocated half-hour time slots for the delegations for both your presentation and the questioning.

Mr. Tonks: Thank you very much, Madam Chairperson.

Madam Chairman: You are welcome.

I would like to introduce to the Committee Alderman Gary Bloor, who is down with me and our solicitor, Harry Boland.

Next to Charlie Onley, who is just with the North York group, I saw the group going out there with Bob Yuill and his torpedoes.

I think that Harry is the longest standing solicitor in Metropolitan Toronto and I would think that if there are any questions that you would like to ask Harry after we have made our short representation, he would probably be very instructive in terms of the realities of decision-making in Metropolitan Toronto and its local municipalities.

I have a letter of transmittal, not really a brief, Madam Chairman, and here are some extras on that one because, actually, I am -- may I sit down?

Mr. Faubert: I would just saying you should sit down.

Madam Chairman: Absolutely.

Mr. Tonks: Thank you. I understood I was making you very nervous.

Madam Chairman: No, no. Your staff are welcome to join you at the table, if they wish.

Mr. Tonks: Thank you very much, Madam Chairman. A letter -- you never know, that is right. You never know when you need a lawyer. I have learned that from a long time back, but the letter of transmittal really addresses a very specific point that I am representing, the Council's position here this afternoon and I will address that specifically and it should not take very long.

My initial observation is that the City of York has supported the Robarts Commission position, which is that there should be a directly elected Metropolitan Council. We

have supported that since 1977. That has consistently been the position.

We feel that or the Council feels that it will usher in a period of directly accountable government, that a directly elected Metro Council is a natural continuation of the evolution of Metropolitan government.

We also feel that the federation form of government should be continued, a two-tier system and, thus, the challenge we see will be in the structure that Metropolitan Toronto will deem in its interests of sustaining and perpetuating that close relationship with the area municipalities.

I understand, Madam Chairperson, that that is not the subject really of your deliberations because that really has been left to Metropolitan Toronto to come to grips with some of the structural realities of the two-tier system that will accommodate local decision-making and bring it into harmony with the objectives of the broader community at the Metropolitan level.

I would like to concentrate on one facet that appears to have been denied as a local option to the area municipalities as part of Bill 29 and I address specifically the composition or the construction of a board of control system.

I am sure that you have had other delegations and deputations that have focused in on this particular element of the structure that falls out of Bill 29.

The position of the City of York is that if there is not to be a board of control for whatever reason the government deems, that the local municipalities, as a matter of local option, should have the opportunity of forming an executive committee system, which would have vested in it the powers that heretofore were vested in the board of control.

Now, I guess without getting to the philosophical reasoning behind that, the basic reason is that the City of York, 140,000 with a fairly substantial bureaucratic structure underpinning the political decision-making element, we have found from our experience and the Council sustains this position, which may be a little different from other municipalities, the Council sustains that there should be an executive committee system.

We also take the position that the mechanic, if you will, of a two-thirds majority to overturn a decision of the board of control and I would argue an executive committee, once the estimates of the board of control have been prepared and approved, that that two-thirds mechanisms should apply.

I will give you a little example, which I think gives you an analogy as to why this is important.

The Board of Control is elected throughout, as you know, at large and has as its mandate, matters of financial concern. When a long-term strategic planning and through the budget, long-term strategic planning is accommodated, the requirement or necessity to budget and to plan in the overall community, to the overall community good is an extremely important facet of planning.

The other day, at Council, the Board of Control came through with its recommendations and one of the aldermen moved that 500 feet of arterial roads should be extracted from the budget and 10 lanes should be paved with that money.

We had just finished a very large sewer construction and this particular piece of road, this 500 feet would have been sort of like the Pan-American Highway or maybe a better analogy would be a railroad without rail in front of the station.

The Board of Control had recommended that the work be completed, the area alderman said, 'No. I would like that money taken from it because it is in my ward, that capital expenditure and I should get 10 lanes or five lanes for that.'

Each alderman said, 'Hey, that sounds like a pretty good idea. Maybe we will take 500 feet from Caledonia or from Bathurst or from wherever and do the same thing,' and they voted to sustain the position taken by the local ward alderman.

Fortunately, they could not get two-thirds. I think that rational and intelligent decision-making at the Board of Control level had prevailed and the Board of Control's position was sustained.

I think that is a good example of parochial decision-making that might take place if you did not have some mechanism that at least places the onus on members of a collective Council to transcend their ward-related issues and we feel that to take that away from, to take the option away from a Council, at least, of something an executive committee system and at least vesting that kind of responsibility into that executive committee would be an erosion of decision-making that would not be in the best interests in the overall planning of the corporation.

There is also another issue, which is that a board of control functions or an executive committee could function during periods of recess and have mandated areas of

responsibility as per the sections of the Metro Act or the Planning Act, whatever, the Metro Act, Metropolitan Toronto Act that frequently vests the powers in the Board of Control. Those could be transferred to an executive committee.

Basically, that is our position. We have no problems with the breakdown in terms of methodology, of meeting the criteria of elected representation to the 'rep by pop' figures.

We will have two wards or two constituencies in the City of York. They will be Metro East and a Metro West ward, each with approximately 70,000 people in them and they will send their representative down to Metro.

The constitution of those wards will not require an overlapping of boundaries and in as far as the City of York is concerned, the structure and the adherence to the criteria that has been laid down has been very easily complied with.

The main thrust of our deputation is that we support the Bill, however we feel that you should allow for local option or a mechanism that would provide for local option with respect to the constitution of an executive committee, elected by the Aldermen. That is all.

Madam Chairman: Thank you, Mr. Mayor.

Mrs. Bryden?

Ms. Bryden: Thank you, Madam Chairman.

Well, it sounds like things are very easy to divide up in East York, but most of the other municipalities have given us a map.

Now, would it be possible for you to provide us with a map as to where you propose to divide or will it be the same as your present wards?

Mr. Tonks: It will be the same as our present wards. Wards 1 to 4 will constitute the east constituency, if I can use that term, as opposed to "ward", the East Metro constituency. Wards 5 to 8 will constitute the west constituency.

Interestingly enough, they almost conform to the two provincial ridings of Oakwood and York South. I am a little more familiar with York South these days and I am a little more comfortable with it, actually, but as luck would have it, that is the way it breaks down.

Ms. Bryden: So you will have two Metro wards and just

one -- will you split the Metro wards into area wards more than one or will you have two wards in each Metro ward?

Mr. Tonks: Four wards.

Ms. Bryden: Four wards?

Mr. Tonks: Four wards in each Metro ward, yes.

Ms. Bryden: Well, the boundaries of those are something that might be worth the Committee having a look at--

Mr. Tonks: A good question, indeed.

Ms. Bryden: --and also the 'rep by pop', roughly, the population of each.

Mr. Tonks: Indeed. It was suggested that at this point, we should take advantage of the situation and look at the internal representation by population figures for each of the wards.

I would think that over the next three years, that will be the next phase in the transition and it could quite possibly be that as a result of enhanced and increased development in the City of York and, of course, you can appreciate that those figures are changing all the time, the 'rep by pop' figures, because we have areas of high density development that will inordinantly change those 'rep by pop' figures and that issue has been placed on the back burner for the moment, but during the term of the next Council, they will certainly have to come to grips with the individual ward 'rep by pop' figures.

However, on the basis of our five, I guess our five-year projection, the 'rep by pop' figures for each of the two Metro constituencies will not change inordinantly. They look like they are going to remain fairly consistent with the plus or minus 25 per cent criteria that was recommended by the Special Metro Task Force.

Ms. Bryden: So do you think it would be feasible to provide us with a very rough map? We do not want anything detailed, but a one-page map, showing the eight area wards --

Mr. Tonks: Yes, indeed. As part of our response to the request from the Minister for deputations and so on to this Committee, we will be sending that down. It was not ready for today.

As you can appreciate, we are scrambling to try and get these things together, but I can assure you that poll numbers will be the same.

Ms. Bryden: Regarding your request for the Executive Committee to be specifically required in the legislation, section 10, I think it is, says that:

"The council of each area municipality may establish standing or other committees and assign to them such duties..."

Do you think that is broad enough to allow for your executive committee or do you want the words 'including an executive committee' added to that?

Mr. Tonks: I do not know. I am not a lawyer, but I have been advised that if it is not specifically stated, then it is not allowed for in municipal terms. I would prefer to see that it is specifically stated in the legislation.

Ms. Bryden: Do you want the duties or responsibilities spelled out any further or leave it to the counsel?

Mr. Tonks: I believe I might bow to Harry on that one.

Mr. Boland: The duties and responsibilities, I think we already, under the proposed legislation, can assign to committees that are appointed.

We do not have the authority to delegate to them any special authority, the type of authority that exists in a Board of Control through the requirement of a two-thirds vote and that, I think, is the thrust of our submissions, that we would like to see an Executive Committee, which we can set up as a Standing Committee under the proposed legislation, but we would like to see that Committee or we would like to see us to have the authority to delegate to that Committee the authorities that formerly lay with -- not just the duties or the responsibilities, but the authority that laid with the Boards of Control under the existing or previous legislation.

Ms. Bryden: Would Mr. Neumann care to comment on whether the Ministry might consider such an amendment?

Mr. Neumann: Well, I think that I have commented on this with respect to other delegations. It is the position of the Minister and the government auditor that the whole thrust of the Bill is in abolishing the boards of control and eliminating the two categories of Councillor, where you have the two-thirds requirement.

It is the position of the government, the feeling that boards of control are antiquated to some degree and that it creates two categories, two classifications of Councillors and we would like to see -- and the Bill does reflect what exists in most municipalities across Ontario, that the

Councillors elected are all at the same level.

They make the decisions. They can establish committees, sub-committees to report back to them, but when the vote is taken, all Councillors have the same status.

Ms. Bryden: But they cannot assign or delegate specific --

Mr. Neumann: They cannot assign powers to those committees to act in the place of the Council.

Mr. Tonks: May I -- I am not sure if you are through, Madam Chairman?

Madam Chairman: Sure.

Mr. Tonks: May I ask if a municipality would be, whether the legislation would be permissive to the extent that a municipality could make an application for private legislation, much the same as the City of Toronto did to establish its Executive Committee and vesting certain powers in that Executive Committee?

Does the legislation and the intent of the legislation allow for that?

Mr. Polsinelli: It does not prevent it.

Mr. Neumann: I think any municipality has the right at any time to submit private legislation, which would then go to the Private Bills Committee. It would be considered and the Ministry of Municipal Affairs has an opportunity to express its attitude towards that Bill.

I would think that the government would want to give this proposed system a chance to work and it would have to be -- if it came immediately after the December elections, I would think that the attitude might be, I am just guessing, 'Let's see how this Bill is working out,' and that might be the immediate response then, but certainly, any municipality has the right at any time to bring forward private legislation.

Madam Chairman: Mr. Mahoney?

Mr. Mahoney: Thank you.

Just on that issue, Mr. Mayor, I am curious. Maybe you can help me out. Your Council is how large?

Mr. Tonks: We have 11 on the Council and three Members on the Board of Control, inclusive of the Mayor and eight Ward Aldermen.

Mr. Mahoney: On top of -- no, okay. Eight Ward Aldermen --

Mr. Tonks: 11 in total; eight plus three.

Mr. Mahoney: And three on the Board of Control?

Mr. Tonks: Yes, inclusive of the Mayor.

Mr. Mahoney: All right. So, you have got three people under the Board of Control system or the Executive Committee system who would ultimately control the budget and really run the city?

Mr. Tonks: Um-hmm (affirmative).

Mr. Mahoney: That might explain such silly resolutions coming forward from somewhat frustrated parochial aldermen, saying, 'We cannot do anything on behalf of our constituents, so we are put some hare-brained scheme forward.'

Has that ever occurred to you?

Mr. Tonks: Well, I beg to pass on that question. I still have to live with my Council for the next seven months. Any observations would be presumptuous at this point on my part.

Mr. Mahoney: Expect that you suggested that part of the problem was and you painted a scenario, where there was a rather unusual motion put forward to usurp money out of the already approved funds by a local parochial alderman, concerned with fixing a pothole or whatever in his or her local community.

My point is that I can see the frustration. You have, in fact, created municipal backbenchers on your Council and I know how frustrating that can be, believe me.

Mr. Faubert: I am sure you do.

Mr. Mahoney: Yes. And I have only been here a short while, but you, in essence, run the risk.

What did he say?

Mr. Black: He said, "You will get used to it."

Mrs. Marland: Actually, he said, "It suits you."

Mr. Mahoney: Well, as long as these guys are behind me, I am going to get nervous.

But it seems to me that you would just be exacerbating

the problem or potentially doing so, of concentrating the power in the hands of the few and really not having proper representation to the entire eight wards, allowed by, in fact, doing as Mr. Neumann has said, in creating one, classification of elected official in your municipality, each with the same authority, each with the same power, perhaps some more influential than others, which is, I guess, what happens, Howard, in a free enterprise system, but you know.

Mr. Tonks: You are talking to Howard about the free enterprise system. I think you had better find a better source on that. Both Howard and I are school teachers. We are hardly articulate --

Mr. Moscoe: I also sell science fiction.

Mr. Mahoney: Well, that is right. We will leave that one, but you know, I just find your request to be almost contrary to the intention of the Bill and the democratic system.

Mr. Tonks: Yes. Well, there are paradoxes and contradictions in our calling and, certainly, you have focused on one.

I think that you could try to philosophize and come to a decision as to which part of the contradiction has the most merit.

I would simply say that the end result is probably in terms of the processes of decision-making is probably the most important part of the process. Others would say the process is more important.

In the city, the budget is an exhaustive undertaking that I am not sure whether eight aldermen would have the time to dedicate it, unless they were mandated to do that up front, right at the beginning.

That is one reason why Boards of Control happen to, I think, work well. They are mandated right at the beginning. We are all very modest people. We have families, we have the real world to live in and it is nice to know that the job description is this and that is what you are responsible for.

The wonderful thing about running for the Board of Control is you go to the people and you say, 'I want to be your executive. I want to have this kind of responsibility and I am willing to beat the streets of the whole municipality and take positions on specific issues, as well as trying to accommodate the local issues.'

So I guess, you know, I have to say that I am a firm

believer in the board of control philosophically and I know there are contradictions and there may be some frustrations.

The democratic process is, when the frustrations come out, you run on the basis of undoing those frustrations and you present a platform and you do that at the board of control level and I think it inherently lends itself to a real democratic process.

In terms of that particular issue, I would put forward, as the Mayor, as I had to stand up in front of the cameras, in front of my whole constituency, what I would perhaps like in election year, find 30 or 40 lanes that should be paved, too, that mean more than 500 feet on Caledonia Avenue, that it was part of the sewer construction and should be done because it is in an industrial area.

It is very easy to pass on those kinds of issues and say, 'Well, the industrials do not vote that much.' They bring a hell of a lot of money into the municipality.

That is the kind of internalization that you have to do when you make decisions and I would simply put forward that the decision and the quality of the decision that comes from a system that at least has to accommodate and transcend the parochial in terms of the community and broader community good inherently is more superior or is superior to one that has its lowest common denominator, that very thing; in other words, just each ward trying to get the best they can and 'scratch my back and I will scratch yours,' and we make a lot of agreements and so on. I do not think that that is a superior system.

Mr. Mahoney: Madam Chairman, I would just point out to the Mayor and then pass that I served for nine years in a system where we did not have a board of control or an executive committee in a Council of 21 members at Peel and served for seven of those years as Chairman of the Budget Sub-Committee with no authority vested in that committee, but an awful lot of respect for that committee by Council and it worked very well.

Mr. Tonks: I am sure and I certainly, I hope that what I have said is not meant to construe that that system did not work for Mississauga.

Mr. Mahoney: No, no, no.

Mr. Tonks: I am only telling you, as I stressed from the beginning, that what works for municipalities that have their own particular culture and make-up and history may be one way and for another, according to our experience, in a very -- the City of York, 140,000 people, the ethno-cultural background, the traditions, the history and so on.

I am only telling you that this system has worked well and my Council believes that it has, also, and to support me in the deputation that I am making and I used that to underpin the local option, which I think agrees with both what you are saying in terms of your experience in Mississauga and from my experience in the City of York. I think that is probably the best way to leave it.

Mr. Black: Margaret says there was not all that much respect --

Madam Chairman: Speaking of, Margaret, Margaret is up next.

Mr. Tonks: It is easy for you to say.

Madam Chairman: Mrs. Marland?

Mr. Mahoney: That is because she was not on it.

Mrs. Marland: Well, I hope, Mayor Tonks, that some of what you have just said does not go too far because unless I am not hearing you properly.

I do not think that the ability of people to do a job as elected representatives is related to their ethnic cultural background.

Mr. Mahoney: He did not say that.

Mrs. Marland: How you were referring to the ethno-cultural difference between the Borough of York and --

Mr. Tonks: The City of York, actually.

Mrs. Marland: Pardon me -- the City of York and the City of Mississauga?

Mr. Tonks: I did not mean to imply that that was the sole basis for allowing for local option. I used it within the total context of many variables that should, in the eyes of this Committee, take seriously how a Council feels about its own internal executive structure.

I did not mean to imply and, certainly, taking that single variable would be condusive to inferring that there is some ethno-centristic bias in that statement, which is not what I am attempting to establish whatsoever.

Mrs. Marland: Well, I am glad that you had the opportunity to make that clear.

Mr. Tonks: I am glad that you gave me the opportunity to make it clear.

Mrs. Marland: Mayor Tonks, one of the questions that I have raised and I did, in raising this question, ask that the Committee Clerk contact the mayors of each municipality directly to ascertain an answer, but unfortunately, my motion was voted down by this Committee yesterday.

My question is: Are there any problems, whatsoever, for the City of York in implementing Bill 29 and its provisions in the 1988 municipal election?

Mr. Tonks: None whatsoever.

Mrs. Marland: Fine, that is good. When you talk about your wish for this Executive Committee Board of Control or whatever it is by any other name and you talk about the budget process, as an example being "an exhaustive undertaking," I actually have the same background as MPP Mahoney, with whom I sat as "Councillor Mahoney" for seven years.

He stayed there two years longer. I have been down here the last two years, obviously, but in essence, the City of Mississauga has a Council of 10, which I am sure you are familiar with. Is yours 11, including the Mayor?

Mr. Tonks: Yes, yes.

Mrs. Marland: It does. Do you feel that if you were to walk the streets of your city and ask the public, do you feel that their perception and their understanding would be that when they vote for their local alderman or councillor, that that individual then forfeits some of their administrative responsibility to the Board of Control, albeit, even if they understand that they are voting for a controller for a given area and their own local councillor? Do you think it is something that the public understand?

Mr. Tonks: You know, it is hard to generalize and extrapolate from that, that that would be applicable to the whole of Ontario and so on, but in the City of York, yes.

I think the people have a definite concept in mind when they vote for their controller and have had, as opposed to their ward alderman. I think both their implicit and explicit expectations are different.

If you were walking along the street, there are just a number of people that know you because you are responsible to maintaining your political base across the whole municipality.

You know, you make sure that you are always in contact with the various business groups and industrial groups, ratepayers' groups, all of that which a pluralistic society promotes in terms of interest groups.

I think, also, that York, and I would warn you not to draw a conclusion based on York's experience because, you see, because York has had two controllers, people instinctively and intuitively and explicitly have known that they are electing their Metro representatives, which has not been the case in some of the other municipalities, with your aldermen who have been elected to positions at Metro.

I think that their -- maybe Alderman Bloor can answer that, but I think their expectations have been higher with respect to the Board of Control because people do realize that they have been electing their executive and they have been in contact on a number of different levels with those controllers, as opposed to the kinds of issues that they get in contact with their alderman.

The job does description seems to evolve from the issue orientation and the people's needs. They will get in touch with their alderman on a variety of localized needs, but they are the first to get in touch with you if you are going to close down the ramps on South Kingsway or if, you know, there is any talk about the Allen Extension or property tax reform, by jeez, your phone will go off the line at all hours.

I do not think that we should minimize the level of understanding that exists in the community. I suppose, if you were to take a random sample, you would find that maybe 25 per cent of the people are informed.

That 25 per cent is very representative of a very, very astute and a dynamic part of the political constituency. They are people that know what is happening.

That is the challenge, to try to let the other 75 per cent know or whatever the percentage may be. I think the Board of Control galvanizes those understandings.

Mrs. Marland: Well, I -- what are you saying?

Madam Chairman: I was just letting you know that we have now run the full half-hour with the Mayor.

Mrs. Marland: Yes, but I have not finished my questions.

Madam Chairman: Well, if you could shorten them up and --

Mrs. Marland: Well, maybe the Mayor could shorten the answers. I have only asked two questions.

Mr. Tonks: Give me a 'yes' or 'no' --

Mrs. Marland: Okay. I will give you a 'yes' or 'no' question.

Madam Chairman: With his cooperation, I still have, in addition to yourself, I still have three more people on the list.

Mrs. Marland: Well, I am still not up to Mahoney's time and I made a note that they were on time because we were away at a meeting.

Mr. Cousens: We were doing well.

Mrs. Marland: That is right. I already made note of that.

Mayor Tonks, you talk about the need for this executive committee because there are times when the Council is not in session.

Mr. Tonks: Yes.

Mrs. Marland: We dealt with this question this morning, as you may have heard. It came up with Metro representation.

What is the problem about when Council is not in session? Is it not possible, when the representation, the elected representatives reside within the city to call a meeting, if necessary?

I mean, we can recall a legislation from around the province. Can you not recall a Council if a meeting is needed?

Mr. Tonks: Well, the last part of your statement really is, to me, the difference between -- you have to be in an executive position in any organization to really get to know where the action is.

The accessibility of local government is -- you know, you try to devise structures that will lend themselves to accessibility and for people, whether they have a problem with a by-law, they need advice on the Committee of Adjustment.

They need -- you know, how many lawyers do you have coming in, saying, 'Can I not get this thing going? Do you need 30 days in the Appeal? Can we not get this site plan approval?' To keep all of it going is not just defining what your policies are and getting your administration behind them.

Now, what I see happening is if you do not have that executive capacity to constantly be there and to nurture and

cultivate the system and build up staff morale and so on, then what you go is to a city manager type of system, where you have more bureaucracy or you create a bureaucracy that will carry out not only the policy formulation, but also the hands-on control over your civil service.

Now, I do not know whether you do that in the Legislature, but surely you did it in Mississauga. Surely that was one of your roles.

Mrs. Marland: Well, the point is that in Mississauga, we were very successful in administrating a city of 400,000 and --

Mr. Tonks: But you had an absolutely outstanding mayor, who did all of that work.

Mr. Mahoney: So does York, so does York.

Mr. Tonks: Everybody knows that, everybody knows that. Yes, that is true.

Mrs. Marland: We were involved and every elected Member was totally responsible for being involved in that exhaustive budget review. We were totally involved and not disenfranchised by any of our representation of our individual wards and fortunately, because some of us have that experience on this Committee, I think that our opinions are probably going to be very strong on this issue of removing that opportunity at the local municipal level.

Could I just ask you in the last, second or third last paragraph in your letter, Mayor Tonks, you talk about the importance of -- well, you are talking about the application is:

"...particular to the public trust as it relates to the numerous boards, commissions an special purpose bodies through which Metro Council has increasingly delegated control from itself to a coterie of citizens and advisory boards."

Do you see that paragraph? Is that paragraph relating to the fact that direct elected council will then become more involved in those A,B,C's?

Mr. Tonks: Yes, yes.

Mrs. Marland: That is what you want to see?

Mr. Tonks: That is exactly what I want to see. I thought that was a beautiful paragraph.

Mrs. Marland: Do you want to see all citizen representation removed?

Mr. Tonks: Taken away? No.

Mrs. Marland: No.

Mr. Tonks: No. And that is an excellent question. I think that there is a role, having sat on the Toronto Transit Commission and several other commissions and special purposes bodies, I think there is a role, as I say, in a democratic community with pluralism that you have people who want to involve themselves in a non-elected way, but in public policy-making.

I think that there is a balance, but I do think that the balance should be for the elected representatives. If it a five-member Board, three should be elected; that kind of thing.

What I am trying to say there is that as Metro becomes more oriented to direct representation, the delegated -- the propensity to delegate away should be less. It should be more coming to the elected representatives as their responsibilities balanced out with citizen representation.

Mrs. Marland: Very good, thank you.

Madam Chairman: Thank you, Mrs. Marland.

Mr. Faubert?

Mr. Faubert: Oh, thank you. Good morning, good morning.

Madam Chairman: Welcome back.

Mr. Faubert: I wanted to pursue that, a number of the questions have been asked because I was interested in Mayor Tonks' position on this.

I have known Alan for a great many years, not only on Council, but he was the teacher of four of my five children. They all turned out well, so I have some --

Mr. Tonks: I hope I can say the same for my own.

Mr. Faubert: Mayor Tonks, perhaps you could refer also to Mr. Boland on this because I think this may be the question that we are looking for and we are going to be discussing this tomorrow on Clause by Clause, but tell me, what could an executive committee of a local council or that which is designated as an executive committee not be able to do if they do not have the powers of the board of control?

The duties, we are talking probably a differentiation

the two-thirds vote.

A simple majority, it is easy to overturn and, as the Mayor gave as an example at a very recent Council Meeting, we almost had that happen.

Mr. Faubert: With respect, sir, I appreciate your position and I appreciate Mayor Tonks' position, but evidently, York has not gotten as creative as Scarborough because we used to send the budget back all the time until we got the budget we wanted because you only need the simple majority count.

That is when I was not on the Board of Control. Even when I was on the Board of Control, I appreciated it. We held a series of meetings and we broke it down and mechanism can be set up, but we are talking about two-thirds power, I think.

There have been, I believe in London, established a board of control, who still has board of control without the two-thirds power and they seem to be operating quite effectively without any problems of necessity for having two-thirds power.

Mr. Tonks: Well, that is a way you should suggest we go, but we feel that in matters of financial recommendations and during the recess, the executive -- I do not think there is an organizational structure that I know of, that does not mandate certain responsibilities to an executive. I think that that connotes that.

Madam Chairman: We have had quite a full decision on that point, overall, Mr. Mayor. We all running out of time, past time.

Mr. Faubert, does that complete your questions?

Mr. Faubert: Yes. That was the only issue I had.

Madam Chairman: Mr. Cousens?

Mr. Cousens: My point, which really was the one that Mr. Mahoney and Mr. Faubert were touching on and I just wish -- now, I will keep it short and I will not even ask the question.

Madam Chairman: Just long answers.

Mr. Cousens: I wish there was something I could do to help you, but, you know, I do not think there is anything that is going to happen.

I think you have heard the parliamentary assistance guidelines and it is just tough luck. It is just too bad

there was not a little bit more time to solve this problem and really face up to the fact that--

Mr. Faubert: We are open.

Mr. Cousens: --Metropolitan Toronto isn't just all going to be homogenized. There are some opportunities to do something for the different communities and I believe that it could happen. I am sorry we were not able to agree more, but I think you know why.

Madam Chairman: Thank you, Mr. Cousens.

Mr. Neumann?

Mr. Neumann: Just a brief comment: The rationale for the government taking the approach it did with respect to boards of control is, first of all, it helped to reduce the numbers dramatically in terms of the number of elected people.

Secondly, there has been a historic trend across Ontario towards abolition of boards of control. With this Act, only one will remain and, as Mr. Faubert pointed out, that one has been reformed to the point of eliminating the two-thirds requirement.

Just as an aside, I would loved, as Mayor over the last seven years, to have had the kind of veto power or authority that mayors in the U.S. have, separate executive jurisdiction to overrule the Council on occasion, but as you know, the system of mayors across Ontario is, the Mayor has one vote along with the other Members of Council and I think that that is the trend towards with boards of control.

Mr. Tonks: Yes.

Mr. Neumann: Perhaps when your Council addresses it and addresses the kind of Committee structure they, themselves, want to create; you will find that to some degree, it is what you are used to.

You will find it a challenging experience for your Budget Committee to think of, as they are crafting their budget, what will sell to the majority of Council and I think you will probably take that into consideration.

Mr. Tonks: I will let you have the last word.

Madam Chairman: Thank you, Mr. Mayor.

Mr. Tonks: Thank you very much.

Madam Chairman: Thank you very much.

Mr. Mahoney?

Mr. Mahoney: Madam Chairman, two items; can I deal with this?

Madam Chairman: Sure, you can.

Mr. Mahoney: Tomorrow, for Members of the Committee, tomorrow we have two deputations in the morning and we are to go, then, Clause by Clause at two.

I would like to suggest that we perhaps just break half an hour for lunch and go downstairs, as a committee, or something and start --

Mr. Polsinelli: Have lunch --

Mr. Mahoney: Well, we have talked about that.

Mr. Faubert: Fair enough.

Mr. Mahoney: If you want to pay \$8 each for sandwiches, that is what it is going to cost to have it catered, so I would like some --

Mr. Cousens: I have a problem. I am not going to be here until two o'clock by virtue of other things. I was sort of pleased when I knew we were going to be doing the Clause by Clause in the afternoon.

Now, I do not think that the Clause by Clause needs to take all that long. I certainly do not intend --

Mr. Black: Probably have it wrapped up before he is back.

Mr. Cousens: That is what I am worried about.

Mr. Faubert: We will hold it for Mr. Cousens.

Mr. Mahoney: Well, all right. Since you are not going to be here, I will withdraw that suggestion. I have a motion that I would like to put on the floor, then.

Madam Chairman: Okay.

Mr. Mahoney: I will read it. It says:

"Due to the difficulties this Committee encountered with respect to public hearings on Bill 29, An Act to Amend the Municipality of Metropolitan Toronto Act be resolved that in future when this committee is holding public hearings, advertisements be placed in newspapers in the areas of the province the Committee deems necessary and any decision to not advertise under these circumstances

must be decided by a vote of the full Committee."

Madam Chairman: Discussion? Mr. Polsinelli?

Mr. Polsinelli: Can we accept that is as notice and deal with that after the -- after we have dealt with this Bill?

Madam Chairman: Okay. That would be fine. Before everybody disappears, all of the requested information from the Ministry has now arrived, stacks of it.

Mr. Neumann: He is responsible.

Madam Chairman: More paper.

Mr. Black: Why do we not just set it at the back? I am prepared to surrender. I do not know what you are --

Mrs. Marland: Maybe what we could do is--

Madam Chairman: Or do you want it tomorrow?

Mrs. Marland: --have the Clerk's Department put them -- I thought this was excellent, Tannis, getting this today.

Why don't we just have it like that in the morning? We are not doing the Clause by Clause until the afternoon.

Mr. Neumann: We went to the effort, so that you could get it tonight, if you wish. They are there --

Madam Chairman: To anybody who wishes, they are here and if you want to study them this evening, let me know. You have an opportunity to study them this evening.

Mr. Black: Could I clarify, Madam Chairman?

Madam Chairman: Sure.

Mr. Black: We are having two delegations in the morning and then we are breaking at that point?

Madam Chairman: Two delegations and we are breaking when they are finished as long as everybody keeps on schedule. We have one at ten and one at ten-thirty. Ten-thirty is the Board of Education and then we come back at two o'clock.

Mr. Owen: I guess we are adjourned.

Madam Chairman: We are. See you tomorrow morning.

The committee adjourned at 4:45 p.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

THURSDAY, FEBRUARY 4, 1988

Morning Sitting



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: Stoner, Norah (Durham West L)

VICE-CHAIRMAN: Mahoney, Steven W. (Mississauga West L)

Black, Kenneth H. (Muskoka-Georgian Bay L)

Bryden, Marion (Beaches-Woodbine NDP)

Charlton, Brian A. (Hamilton Mountain NDP)

Daigeler, Hans (Nepean L)

Marland, Margaret (Mississauga South PC)

Matrundola, Gino (Willowdale L)

McLean, Allan K. (Simcoe East PC)

Owen, Bruce (Simcoe Centre L)

Ray, Michael C. (Windsor-Walkerville L)

Substitutions:

Cousens, W. Donald (Markham PC) for Mr. McLean

Faubert, Frank (Scarborough-Ellesmere L) for Mr. Daigeler

Polisinelli, Claudio (Yorkview L) for Mr. Ray

Clerk: Deller, Deborah

Clerk pro tem: Manikel, Tannis

Witnesses:

Individual Presentation:

Nobleman, Ben, Alderman, Ward 1, City of York

From the Ministry of Municipal Affairs:

Neumann, David E., Parliamentary Assistant to the Minister of Municipal
Affairs (Brantford L)

From the Association of Large School Boards in Ontario:

Nelson, Fiona, President

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, February, 4, 1988

The Committee met at 10:07 a.m. in committee room 2.

Madam Chairman: Ladies and gentlemen, I think we can start. It is seven minutes after ten and I have explained to Alderman Nobleman that we are working on the half-hour clock and he is going to --

Mrs. Marland: You explained that to Councillor Mahoney?

Mr. Mahoney: Yes, I understand. Leave me alone this morning, all right?

Mr. Black: He is in a bad mood, Marg, and I am on his side.

Madam Chairman: They have got copies, Alderman Nobleman.

Alderman Nobleman represents the City of York and he has distributed the brief that is on... I am sure he will make his presentation.

Thank you.

Mr. Nobleman: Thank you, Madam Chairman and Members of the Committee, some of whom we have met before in other places. I congratulate you all on your election.

The proposed new direct election for Metro Council may be a good idea; only time will tell. What concerns me is the high cost to the taxpayers of the new form of government, the low estimate of the total cost of salaries, office space, secretarial help and other staff, et cetera, is about \$5-million. One North York councillor in the press recently stated it might be closer to \$10-million.

What also troubles me is the province's decision to eliminate boards of control without any explanation. It would be similar to the province abolishing the Provincial Cabinet.

Perhaps Mr. Peterson just meeting with the MPPs might be more democratic, I do not know, but I feel the municipalities should be allowed to make this decision themselves if they wish a board of control or an executive form of government, like Toronto.

The chief matter I wish to discuss today is to point out a great disadvantage that municipal politicians have at the

present time.

Current legislation does not allow municipal donations to be tax-deductible, as is the case provincially and federally. This discriminates against those municipal politicians with modest means who may face years of debt, if challenged by a wealthy candidate. It also means it difficult to raise campaign funds.

If we wish to encourage the average voter to become more involved in the political process at the municipal level and to diminish the influence of wealthy developers, which recently was the subject of press discussion, then I suggest both the provincial and federal governments should institute a municipal tax credit program. If it is good enough for themselves, then it should be good enough for the municipal level.

As an example, if donations were tax-deductible from federal or provincial income tax, then a municipal councillor or alderman could raise \$5,000 easily from the average voter in \$50 or \$25 donations.

On May 30th, 1983, the City of York unanimously passed my motion, urging the provincial and federal government to enact such legislation.

Both the AMO and the FCM endorsed York's motion. On January the 11th, 1988, the City of York again passed my motion that the Ontario and federal governments enact legislation at the current sessions of Parliament to make campaign contributions and fund-raising events tax-deductible in time for the 1988 municipal elections.

Now, I believe that the Johnston-Parisien Task Force did suggest such a tax credit system; however, in a letter I received from Mr. Eakins recently, several weeks ago, he says that at the time, the provincial government does not have such a plan, but he said it could do so in the future, if the municipalities were to indicate that, but he already -- and I am getting that information from the AMO.

The AMO -- I was there -- passed this motion, as did the FCM, and Mr. Faubert, who unfortunately is not there, was there at both meetings of the AMO and the FCM when this motion was passed.

You could easily obtain this from the records and Mr. Eakins -- Mr. Sands could obtain this for Mr. Eakins and that information is there, so we do not need to go through that whole rigmarole again.

Both the AMO and the FCM, I was there when this was passed, so I would urge this Committee to endorse this motion of York's and urge the provincial government to enact

such legislation in order to involve the average citizen more in municipal government and not make the municipal politicians second-class citizens, which they are right now; second-class citizens to the federal and provincial ones because it is difficult to raise campaign funds, if you are not rich like some people are.

I do not want to mention names. We all know who they are and nobody dares run against them and let's make it more equal at the municipal level to raise municipal funds.

Thank you very much, ladies and gentlemen. I will be happy to answer any questions. Oh, I see Mr. Faubert is here now.

Mr. Faubert: You bet, Ben.

Madam Chairman: Thank you. My first person on the list is Mrs. Marland.

Mrs. Marland: Thank you.

Mr. Nobleman, you have raised two issues and may I just say that the second issue, I am completely in sympathy with.

I have seven years in municipal government myself and I have always felt that we would, the municipalities and the taxpayers, everyone would benefit from a tax-deductible receipt method of contributions for elections for municipal candidates.

It is a great form of registry, for one thing, of contributions and I see it as not only for the reason that it is equitable with provincial and federal, but for all the reasons that you have so well stated, so I will not repeat them.

I wish that that issue were before this Committee because I think probably what would happen with so many of us on this Committee with the same background as you are in, I would anticipate that that would be sympathetically supported by all of us.

The other issue that you raised is the cost of Metro government and I am very interested to see these figures that you have in your second paragraph, that the low estimate would be \$5-million and the other is a reference of \$10-million by a North York councillor.

Mr. Nobleman: It was Mr. McGuffin, Jim McGuffin. He had a letter in The Star just last week, I believe.

Mrs. Marland: Oh, I see. How is the cost going to change? We have heard rumours about salaries and I would like to hear from you, how you feel the cost of Metro

government is going to change by direct election and representation when the overall numbers in the provincial government are going to be reduced from 40 to 34?

Mr. Nobleman: Well, at the present time, the system is that the mayor and members of boards of controls sit on Metro Council and the only direct election is in Toronto.

In North York, in addition, they elect six additional aldermen. East York has the mayor and one alderman. I think Etobicoke has four additional aldermen. Scarborough, also, I think, four, so at the present time, the staff that they use is their own staff at their various city halls. I do not think they have any extra staff at the city hall where they meet.

There is a proposal to build a new Metro City Hall at the cost of about \$200-million, they are talking about with Marathon. I do not have all the details. They have a site on King Street, across from the Royal Alex, near the Skydome. That is going to cost \$200-million, they said.

At the moment, the figure of the proposed salary for each Metro councillor is \$57,000, which they say is more than the MPPs earn. Then I am sure that each Metro councillor will need a secretary, perhaps an executive assistant, I do not know.

You know, you could ask to get the copy of Mr. McGuffin's letter. He sits on Metro Council and I guess he is opposed to the direct election. It was in the Letters to The Editor, in The Star last week. I did not cut it out. I should have brought it here with me. He said that the figure would be closer to \$10-million.

Now, you know, it could be a "fait accompli". I do not know what this Committee is going to recommend and I do not see why your Committee could not make a recommendation to the provincial government, if you believe strongly there should be a tax credit system or municipal donations.

I think you are free to make any sort of a motion. You could endorse it today and send it to Mr. Eakins and Mr. Nixon and the Premier. There is no reason why you cannot do that.

I am ambivalent to about this direct election, you know. They say it is going to have the Metro councillors closer to the government, but if it is going to cost all this money, is it worth it; that is the point.

It is going to form another tier of government, another bureaucracy. What I feel is, we need less bureaucracy, not more bureaucracy.

I find after 21 years in government, that what the average voter wants, who calls me, is for me to cut the red tape. There is too much red tape in government. That is what the average voter wants.

If he has a concern, whether it is taxes, front yard parking or even getting a tree cut down, he wants to get, instead of going through the bureaucracy and calling some civil servant and having it delayed two or three months, he wants me to cut the red tape for him.

Mrs. Marland: Well, Mr. Nobleman, my question really was, where the increased cost is going to be and you have answered that in terms of the individual staffing for the directly elected members, who currently use their own municipal staff.

The other question that I have, because you mentioned your concern about the elimination of the boards of control at the local level and possibly an executive committee at the Metro level, would you think that it might be a good idea if now, through directly elected Metro councillors, that if they sit on boards of control, agencies -- not boards of control -- if they sit on agencies, boards or commissions, that they do that without remuneration, which would reduce the costs of those ABCs and they would, as part of their job, if they are being paid \$57,000 to be a Metro councillor, as part of their job, they do serve on some agencies, boards and commissions.

Mr. Nobleman: Well, that might be a good idea. The reason, I guess, they are paying members of Metro council, I think they chairmen \$1,000 -- I do not know what other committees are paid -- is, I guess, to augment the meager salary they pay them, I think about \$10,000 or \$11,000 a year they pay Metro councillors, in addition.

Mrs. Marland: But if they are going to earn \$57,000, would you see it as being fair -- I mean, some of them want to be chairmen anyway because that is a prestigious position for them -- that as part of their job, that would be viewed as their service, so you could reduce the cost of ABCs. You also --

Mr. Nobleman: It would not be very much.

Mrs. Marland: But you pay citizen members of ABCs, who are not salaried as Metro councillors, but to pay them for sitting on those ABCs?

Mr. Nobleman: It is a thought, it is a thought, you know.

Mrs. Marland: You have not considered that?

Mr. Nobleman: Yes, I guess. But you know, naturally, if a fellow is going to be serving only Metro Council, he will need a secretary. He cannot operate out of a phone booth. You have got to do service, so you know, in a way, I guess the cost would be merited.

You have to have a task force look into that. It looks like it is a "fait accompli". The provincial government has decided on this, but they have not really studied the whole system carefully.

Mrs. Marland: Thank you.

Madam Chairman: Thank you, Alderman Nobleman. I have five more people who have indicated they would like to question and, perhaps, if we can keep the answers concise, they will all have the opportunity to address their points.

Mr. Mahoney?

Mr. Mahoney: Just on your last point, Ben, the government has, there is a Task Force report. It is a ten-year old issue. I am sure you are aware of that. It is not something we just discussed last week and decided to bring forward or even last month. It is been ongoing for a long time.

This report, which was prepared, the Task Force was prepared by a long list of people and, in fact, had someone from the City of York, your Deputy Clerk was a member of the Task Force, so there was a lot of involvement at every level.

I want to ask you about the board of control issue. You have -- am I correct that you have eight aldermen, two controllers and a mayor and you have a three-person executive committee, which is made up of the two controllers and the mayor?

Mr. Nobleman: Right.

Mr. Mahoney: Is that accurate? So in essence, you have got three people with complete authority over the council, unless there is a two-thirds vote--

Mr. Nobleman: Right.

Mr. Mahoney: --and all they have to do is really control two of the alderman to avoid that two-thirds vote, so what you have got in your present set-up, under the present law is, you have got the minority controlling the majority and the very real potential for a number of your aldermen to be literally left out in the cold and have no authority to deal with anything substantive in the overall running of the municipality.

Your comment here was that boards of control are being eliminated without any explanation. Well, the explanation in real simple terms is that it is not a very democratic system.

When you, as a ratepayer, vote to send someone to city hall, to then wake up the next day and find out that they really have no authority because they are not on the board of control or the executive committee. That is really the rationale of the government.

Mr. Nobleman: All right. You have got a point. What I would suggest, if they are abolishing boards of control, then the legislation should state, and I do not think it states it at the moment, that to replace the board of control, the various cities or municipalities should have the right to form an executive committee to replace it from the aldermen. I do not believe the legislation at the present time says that.

Mr. Mahoney: What the legislation says is that you will be allowed to form any kind of committee you want and set up a committee system. You just will not be able to past on the statutory authority that rests with council and should rest with council as a result of the electorate electing it, so you will be able to have a committee system quite clearly, not dissimilar to the one that I am used to working in.

Just while it is not on our agenda today, I just wonder if you could answer briefly how you would feel about that tax credit for elections at the municipal level being the property tax credit?

Mr. Nobleman: Well, it should be on the agenda. I do not know why it is not on the agenda.

Mr. Mahoney: It is not in Bill 29. There is a future Bill, Mr. Nobleman --

Mr. Nobleman: No, but you could recommend it to be part of it. If you feel strongly about it, there is no reason why --

Mr. Mahoney: If I could just finish, there is a future Bill that will be coming down that will deal with that item. It is part of the reform to Metro --

Mr. Nobleman: Well, the property tax means that you are putting it on the shoulders of the municipal taxpayer who I feel is being taxed to excess at the present time. We all know that. As former municipal councillors, you know that.

I get calls every day of people who say they have to

sell their homes, they cannot afford the taxes. In the City of York, they are paying more taxes in my ward than across the road in wealthy Forest Hill, so you do not have equity in the tax system.

It should be, what I say, off the federal income tax. That is equitable. Why put it on the municipal taxpayer? It is simple; if I contribute, which I have in the past to federal or provincial MPPs, they give me a tax receipt from federal income tax. It is simple. That is the way to go.

Mr. Mahoney: Thank you.

Madam Chairman: Thank you.

Mr. Faubert?

Mr. Faubert: Okay, thank you. I will just pursue slightly the position taken by Mr. Mahoney.

Ben, Ben, it is good to see you here and, yes, I support the position, as I did in AMO and FCM, about the -- some form of election finances act, but this is not the place in which it will come. I think Mr. Mahoney pointed out that there is legislation coming that addresses this.

This Bill is clearly for the restructuring of the electoral system in the Metropolitan Toronto and that is not election finances, so on that basis, your point is well taken and we will just --

Mr. Nobleman: Well, I did not know what other committee to go to.

Mr. Faubert: All right. When the other legislation comes through, we will be sure to notify you and you can come and speak to that one.

Mr. Mahoney: We might get it here.

Mr. Faubert: The second point is, the issue that you raised about the high cost, the proposed high cost, alleged high cost, if you want. Because somebody writes a letter and says it is going to cost \$10-million, you may as well put \$20- or \$30-million because he had no real estimate in that letter.

It is just something he did to catch the press because it seems that there have been no proposals put forward for support systems in the new Metropolitan Council; is that not correct?

Mr. Nobleman: Well, I guess, yes, it is in the formative stage, you are right. We are all guessing what the cost might be.

Mr. Faubert: That is right. If we believe in the autonomy of local government, any costs that come, including support and benefits, perks and whatever are the responsibility of the members of that Council and the Council, itself; is that not correct?

Mr. Nobleman: I imagine you are right, yes.

Mr. Faubert: Okay. So really, we are premature in guessing costs and it is still the responsibility of that new council when it is formed, okay?

Mr. Nobleman: Right.

Mr. Faubert: Okay. Those are my questions.

Madam Chairman: Thank you, Mr. Faubert. Ms. Bryden?

Ms. Bryden: Thank you, Madam Chairman. I used to live in the City of York, Mr. Nobleman.

Mr. Nobleman: Yes.

Ms. Bryden: Probably, we have met many times.

Mr. Nobleman: Clarkson Boulevard, was it?

Ms. Bryden: Yes.

Mr. Nobleman: All right, I remember.

Ms. Bryden: He even remembers the street.

Mr. Nobleman: Yes. I was your Alderman.

Ms. Bryden: That was 20 years ago.

Madam Chairman: I am impressed.

Ms. Bryden: Anyway, I am glad that you came to tell us your views. There is just one thing that I wanted to ask you and while it is on the question of financing elections and not before this Committee, since you are here, I would just like you to comment on one possibility that may be in the new legislation that we have not yet seen, although we have heard announcements that it is coming.

I could not agree with you more that there should be tax credits at the federal and provincial income tax level, but unless we make it an election issue by all parties and a big election issue, we are not going to get it for a while.

It is certainly not in Mr. Wilson's Tax Reform, so that in the interim, until we do get the federal and provincial authorities moving in this field jointly, would you support

a municipal tax credit, which would be optional for the municipality to adopt or not, which would be against the property tax? In the interim, would you support that?

Mr. Nobleman: Well, as I answered Mr. Mahoney, the point is that I do not know whether -- our Council has not discussed it yet.

I feel, myself, that there is an extremely large burden on the municipal taxpayer and, to me, that would be a cop out for the provincial and federal governments to put it further on the back of the municipal taxpayer.

I say, the simplest way is to make it deductible from federal/provincial income tax, so when you -- as at the present time, if I were to give \$100 to my provincial or federal MP, I get I believe it is \$75 off the income tax or the full amount, I am not sure. I get back a receipt from that political party from federal income tax.

That is the way it should be at the municipal level. If one of my constituents wants to give me a donation, he should get it from his provincial or federal income tax. That way, you are not beholden.

There was a whole series in The Globe and The Star about the influence big developers have on municipal government. If you want to involve the average taxpayer and not have too much influence from big developers, as I said, if 100 of my constituents give me \$25 or \$50, then I could raise enough money to run in the next election and not be beholden to any one or two people.

Ms. Bryden: Well, what I think your answer to my question is, then, that you hope that the provincial legislation that is promised will not include that option because it probably would take the heat off the pressure from AMO and all other groups and politicians, generally, take the pressure off the federal and provincial governments to bring in a proper municipal --

Mr. Nobleman: Then I will ask you a question. Is it fair that you, as a provincial MPP, should be able to have that system and I, as a municipal person, should not have it or that the federal boys have had it for years and the municipal people should be second-class citizens and not have it; is that fair?

Ms. Bryden: It certainly is not and we have got to put the pressure on and perhaps, as a committee, we can indicate by our debate that we want that pressure put on the government.

Madam Chairman: Thank you, Ms. Bryden. Does that complete your questions?

Ms. Bryden: Yes.

Madam Chairman: Thank you.

Mr. Owen?

Mr. Owen: Yes. I had questions to ask about your concern for increased costs with the proposal and also for the Board of Control.

They have been asked, so I will not belabour that because you have already answered them, but with regards to your concern of allowing tax credits for donations, I think probably I must be the odd man out with all the parties because I come from a smaller community than here and in our area, it means that almost anyone can afford some pamphlets that they and their friends can deliver door-to-door and it means that the fellow, who works on the assembly line in the factory has as much opportunity to seek support and try to get elected as the fellow with more prestige or money in the community.

It is been my experience that -- I ran provincially when there was not a tax credit and what happens when the tax credit is there, Mr. Nobleman, is that you just have more money for media expense, not to the door-to-door with the friends that were going with you door-to-door.

It is been my experience, too, that when you allow tax credits, that the very people who had more money of their own municipally or provincial elections were able to attract more money from their friends and it still gives the unfair advantage to the person who has more economic clout in the community and I do not think that changes it.

That has been my experience of having been there before and after and I would submit that the same thing will happen municipally if we go along with that, with your proposal, that we will end up not getting more messages across to the people, but by incurring more expenses to the media.

Mr. Nobleman: Well, I will give you an example, if I may, just one minute.

Six years ago, I had a very wealthy opponent, who must have spent \$25,000. I had a --

Mr. Mahoney: Where is he now?

Mr. Faubert: But you beat him.

Mr. Nobleman: All right. But I ended up \$10,000 in debt. I am still paying off two bank loans, personally.

The high cost of printing, the high cost of postage makes it exorbitant now, if you want to get the message across. One mailing in a ward like I have, which is 25,000 voters, one mailing will be at least two-, three- or \$4,000.

Mr. Polsinelli: Why do not you use --

Mr. Owen: That is my point that has already been made. If you have the money, you are going to mail it. If you do not have the money, you go door-to-door with yourself and canvassers and I, too, have seen wealthy people defeated from municipal office because the money did not do it. The door-to-door person-on-person --

Mr. Nobleman: Well, I agree. I lost 20 pounds in the last election going door-to-door. It is healthy.

Madam Chairman: I think your point has been made, both of you gentlemen.

Mr. Neumann, you are the last one on my list.

Mr. Neumann: I would just like to indicate that while this matter that Mr. Nobleman raises is not a part of this Bill nor could it be a part of the Bill, just to inform you on behalf of the Minister that there is another Bill coming, as Mr. Mahoney has mentioned, which addresses the municipal election reform.

This Bill, it is the government's intention to introduce and pass this Bill in the spring session, so that it would be in place for this year's election and the provisions in the Bill are based on the government's reaction and response to the special review that is conducted across the province.

I believe Ann Johnson was the Chairman of that Committee and it addresses some of Mr. Nobleman's concerns in that he is concerned about people with a lot of money having a special advantage because it will put limits on campaign expenditure and require disclosure of campaign expenditure.

It does not include, however, a provision for tax rebates. The government did consider that and if such were to be considered, it would be at the municipal level at a municipal option with the municipality paying the dollars for the rebate and the rationale --

Mrs. Marland: I am sorry. With the municipality what?

Mr. Neumann: With the municipality raising the funds from its tax base for the rebate. It would be -- if it were to be considered, at all--

Mrs. Marland: Oh, I see.

Mr. Neumann: --it would have to be at a municipal option, I think, for the very point that Mr. Owen raises, that there is a quite a diversity of opinion across the province at the municipal level on this issue.

The vast majority of municipalities do not want it, so if it were to be introduced, at all, it would simply be as a local option for some of the larger urban centres to perhaps consider.

Madam Chairman: Thank you. Because it is not a matter before this Committee at this time, I think that the discussion will obviously carry forward and I am sure you are pleased to hear that.

There are a lot of opinions on how it should work. Thank you for coming and for providing the briefs.

Mr. Nobleman: Thank you for your attention. Keep up the good work.

Madam Chairman: Thank you.

A letter has been circulated to you from CORA, the Confederation of Ratepayer Associations and they indicated that they might be interested in appearing.

They have since spoken to the Clerk and they prefer to have their letter to the Premier stand as their brief, so I just bring that to your attention, that their material is before you.

The next delegation is Fiona Nelson, who is the president of the Association of Large School Boards. I would like to welcome you and explain that we have half-hour time slots for delegations.

It is up to you whether you want to use your whole half-hour to speak or whether you would give the Members of the Committee an opportunity to ask you some questions about your presentation.

Ms. Nelson: Oh, I would feel it would be much more useful, Madam Chairman, if there were some interchange.

Madam Chairman: Terrific, thank you.

Ms. Nelson: I am very grateful that you were able to make time to hear from me, Madam Chairman. I apologize for the lateness of our application. I was not on the mailing list for notification of the hearings and, in part, that is one of the concerns, as a school trustee and as president of an association of school trustees, that I wanted to bring to your attention.

It is that Bill 29, although it does address the make-up of Metro Council, has a quite profound impact on the organization of the school boards in Metropolitan Toronto.

I felt it would be useful to discuss with you a little bit about the ways in which those connections have been made or need to be made.

I would like, also, to bring to your attention and the attention of the Committee, the fact that this piece of legislation is one of four that is having a very significant impact on the elections this fall and that there are a variety of clashes, inconsistencies, problems raised by that, some of which your Committee might be able to address in amendments to Bill 29 and some that I would very much like you to bear in mind when you are dealing with the deliberations on the other Bills that will be coming galloping down the road in the next few weeks, if they are to have an impact on the election.

I should tell you that last week, I had a meeting with Mrs. O'Neill, the Parliamentary Assistant to the Minister of Education, about these same concerns and I wrote her a letter.

What I will do is leave copies of that letter with you because they outline the eight concerns that I expressed to her and I think it might be a useful compendium of our concerns for your consideration, as well. That is the only written material I have. I did bring 25 copies of it, as you requested.

Madam Chairman: Thank you.

Ms. Nelson: I think the simplest thing for me to say is that I have been a member of the Committee that advised the Ministry of Education with regard to the electoral reforms that were planned -- would you like them now -- that were planned to take the election of trustees from the era of representation by assessment to representation by population.

I also participated in a couple of meetings with the Committee chaired by Ann Johnson. That Committee also came rather late to the idea that school boards were still part of municipal elections and after they had done their first draft, they put on to their committee, a person who was involved in school board elections.

What we are terribly concerned about, I think with regard to the Bill 29, in particular, is the fact that because the reorganization into Metro wards is going to take place and the fact that school boards are expected to have continuous or, sorry, sort of co-terminus boundaries, the school trustees, it causes us a problem because of another

Bill, the Enumeration Bill, because while there is only one kind of municipal elector, there are four kinds of school board electors, and we will not know the numbers of those people until the enumeration is complete, which is August for an election in November.

While this might not present a problem to most people, it does to us because unfortunately, separate and public school supporters are very inconsiderate about spreading themselves unevenly across the population and so we do not know where they are until the enumeration has been done, therefore we do not know how many trustees we have, really, and where they are going to be.

Since we are expected to run according to the Metro wards, which are quite big chunks of property, the organization of those campaigns is going to be quite different, probably quite a bit more extensive and expensive.

The school boards were expected to have their boundaries in by the end of January, although the councils are not required to do it until March, which is a bit of a "Catch 22", as I am sure you can see.

One of the things that we would like to bring to your attention is that it would be useful to the school boards to make their requirements known after the councils have made their decision, so that there is some sense to what the school boards are saying and, therefore, there would need to be a change in those deadlines.

In addition, in Bill 29 and in the existing Metropolitan Toronto Act, there is a right of citizens to take appeals to the OMB on the decisions of Council with regard to ward boundaries and whether or not there will be wards.

No such right exists for electors for school boards and, in our opinion, if things are going to be done toward the enhancement of the democratic process, the right should exist for both kinds of electors, both school board electors and municipal electors and we thought we would bring that to your attention, as well.

I think that in all four of these Bills, Bill 29, Bill 76, Bill 77 and Bill "X", that the reforms are laudable. The timing, however, is lousy because it is happening so close to the election and there is so much change that we are afraid that rather than enhancing the democratic process, it is going to throw it into confusion, especially in Metro, where there are so many changes being proposed.

You certainly have gone to a great deal of trouble to have a variety of commissions and committees working on

this. You have got the big report, the green book that you did on the Metro government, you have got the red book that you did on local government elections and the yellow book that I participated in and there are a variety of recommendations there, many of which conflict with one another and the resultant Bills, to some extent, conflict with one another.

I think that is why we feel that we have to tell you about some of this, so that you can attempt in the very short time that you have to do this, to bring some order out of this.

One of the large concerns we have is with what we are calling Bill "X", which is the Bill that looks at election expenses.

I was called to a meeting at the Ministry of Municipal Affairs at the end of January, at which point that was explained and a new wrinkle that had not been in the Minister's announcement in December was made known to us and that was the thing that, in effect, is going to make jail bait out of some of us because of its intended provision to take place January 1st, and that was that in order to raise or spend election money, we have to have previously registered as candidates.

Now, the Bill is not written, the regulations are not written and the registration forms have not been made up, but if anybody has been engaging in any fund-raising or spending toward the municipal elections, they are already in breach of this particular requirement of Bill "X".

I call it Bill "X" because it has neither a name nor a number yet, although it was announced December 10th, in the Legislature by the Minister and, as I say, we heard about these provisions at the end of January.

I am concerned that provisions of a Bill, which have a fairly important impact on candidates, ~~not just~~ incumbents because incumbents always have an edge, but if we really want to encourage a great deal of participation by candidates in municipal elections and if we want to do something about the lethargy with which a lot of people regard elections, we have to make it possible for candidates to know the rules before they start.

We are really very concerned that with the enormous number of changes in the rules, with the enumeration being done by mail for the first time, with there being four kinds of school board electors and people being asked in a mail-in enumeration for the first time to say whether they think they have Charter Rights and if they wish to exercise them, when I suspect there are a fair number of people, who still do not know if they are public or separate school

supporters, never mind whether or not they have Charter Rights and whether they wish to exercise them and this is all to be done in time for this election, so that we have accurate voters' lists, so that we know how many trustees we are going to have, that it is a matter of really serious concern.

What I have done in the letter to Mrs. O'Neill is to identify some of these problems and then to suggest, from my point of view, some remedies.

It seems to me that it might be useful in Metropolitan Toronto, maybe to look at some of these reforms coming into effect for the next election, rather than this one, and that some kind of arrangement be done pro tem, so that we just do not have people totally confused because I would very much like to see all the population that is eligible to vote actually getting involved in elections and casting their ballots.

I would like to see as many good, eligible candidates as possible come forward and, at this point, I do not think that that is going to be achieved, even though I am sure that that is the aim of these reforms and, basically, that is what I wanted to tell you, that there are these four Bills, that they are causing even those of us, who have been in the game a long time, a fair amount of concern and confusion.

I am really very worried about the impact that that will have on the elections and I also think that we need to empower school board electors to the same extent as we do municipal council electors, with regard to the possibility of appeal to the OMB.

So, in a tremendous rush, those are the concerns that we have and although I realize that three of those Bills are not the concern of this Committee, I do think they have a very important impact and I would be glad to answer questions.

Madam Chairman: Thank you for a very concise and well done report on the situation.

My first questioner is Mrs. Marland.

Mrs. Marland: Thank you. Ms. Nelson, you have made a very real contribution for a great number of years to the process of education in the Metropolitan Toronto and we do appreciate you being here, even albeit at very late notice.

We are sorry that you were not advised. I guess in advising the school boards, we assumed that they would have informed their trustees, but I know that the trustee associations were not on our mailing list; is that correct?

Well, they are not on a mailing list that the clerk provided for us.

Madam Chairman: That was the ratepayers' list, I believe, of the Association.

Mrs. Marland: It was the school boards, but not the Trustee Association that were on that list.

Madam Chairman: Okay.

Mrs. Marland: I presume that the mailing went to the chairmen of the Board or the secretaries of the Board, who are very often the Directors, so it is unfortunate that you have had a rush to put together your presentation, however, your presentation speaks very highly of your long involvement and experience because even with the shortage of time, you have been able to achieve the presentation.

It is very constructive to have the criticisms and have the remedies following right on and very unusual, I might add.

I am interested, when you are talking in your recommendation dealing with Item 5, one of the remedies that you list there is to defer the election of school trustees for one year or the obvious one would be to defer the implementation until 1991.

I guess the third is to let the incumbents stand until 1991. Is that what you are saying there or, no, well to defer the implementation of trustee apportionment until 1991, which would mean to have the elections run on the present status quo, as far as allotment?

Ms. Nelson: Probably, since it just in this case, is a applying to Metropolitan Toronto.

I, as a Toronto trustee, since our councillors have already been directly elected to Metro, the main purpose of this Bill has already been met in the City of Toronto.

I mean, it certainly -- I loathe change, so it would certainly be very comfortable for me if the wards in the City of Toronto were left as they were because no matter what the option that has been put forward for the redistribution in the City of Toronto, my ward vanishes totally in four or five pieces.

So, I must say, from a personal point of view, I would not mind if things stayed the way they were. I realize that that is not perhaps a practical solution in the Boroughs, where they have not had direct election to Metro.

I put these forward as possibilities, not necessarily with a high degree of expectation that they were going to be met, but what I hoped was that by looking at the remedies I am suggesting, perhaps some other remedies with regard to time lines or accommodations in some way might be part of the deliberations of the Committee.

Mrs. Marland: May I just ask you, with reference to the Remedy (A), which is the deferral of the election of school trustees for one year, the concern that I would have with that is, then, that in 1989, we would have elections only for school trustees and I think that based on previous experience, I think I recall that it was in 1974, when I first ran for the School Board in Peel, that was school board elections only.

The voter turnout was very low because it was an off-year from the municipal elections and every time you carve down the number of eligible people in a municipal election, you carve down the amount of interest.

If you are suggesting a deferral of one year for the school board trustees, would you, as part of that, consider that that initial term would only be for two years, so that by 1991, they are back in tune with the regular municipal elections?

Ms. Nelson: Yes. That certainly was my assumption that that would be the case. I agree that having the trustee elections and council and mayor elections all at the same time makes a great deal of sense. It also saves a great deal of money.

The reason I am so concerned is because when I look at the immense changes that are going to take place in enumeration, while they may get accurate lists as far as the elections to Council are concerned, I think it is going to take a lot more than three or four months for people to sort out whether they are a Public English or Public French elector or a Separate English and a Separate French elector and which rights they wish to exercise and just, you know, the sufficient training in law to understand the questions because if someone came up to me on the street and said, 'Do you think you have rights under the Charter to do X or Y,' I would have no idea.

Mrs. Marland: No.

Ms. Nelson: Looking for, once again, and I hate to be so parochial, but the ward I represent is the one I know best, it is routine in my ward to conduct some of the home and school meetings in six languages. That is all we can accommodate.

If we really were trying, we would do it in 13 or 15

languages and these are going to go out in English and French, which is the native tongue -- neither one of those is the native tongue of most of the people in that particular part of my ward and I do not believe we are going to be able to sort it out that fast or have accurate lists.

Mrs. Marland: Now, in some of the boards, would it be fair to say that your budgets in Metropolitan Toronto exceed the budget of that local municipality?

Ms. Nelson: You mean the School Board budget?

Mrs. Marland: Yes?

Ms. Nelson: Oh, yes. I think that is probably accurate. I do not know if it is accurate for all of the municipalities in Metro. It certainly is in Toronto.

Mrs. Marland: So that is very significant and that is something that the public do not realize. They do not realize that the School Board's total overall budget can be far in excess.

Ms. Nelson: And that is only the Public Board, not the Separate and not the French.

Mrs. Marland: Exactly. It is only the -- can be under the Public Board, so when you put the school board budgets together, they, in fact, exceed the municipal budget, therefore the election of the trustees, they are representatives that are going to deal with that budget. It is terribly important, but often that is something that is lost.

People often think that municipal politicians have greater responsibilities than school board trustees; in fact, in terms of fiscal responsibility, the reverse, would you agree, is so?

Ms. Nelson: Oh, yes. There is no doubt about that. I happen to think that the object of the enterprise is more important. I really do think that children are probably a little more important than streets and sidewalks, so in both ways, both the constituency, if you like, and the expenditure, that is certainly true.

Mrs. Marland: That is why it is so terribly important that you are here this morning and that these points are being made because it is not something that is commonly considered or granted.

Ms. Nelson: Well, this is true. I must say that I suspect that in the City of Toronto, we are in an anomalous position with regard to the rest of the province and that is that there is a very high interest in school boards and in

elections.

I presume that has something to do with the closeness to the newspaper offices, but I am not sure, so that we do not have quite the same anonymity that occurs in other places, but I really think it is vital that there be a lot of very good candidates.

I would like an acclamation and if you were willing to write in a provision that after you had won three elections, you could be an emeritus trustee, I would be thrilled, but I doubt if I would get away with that, so that being the case, I think the elections should be as accessible to as many good candidates as possible.

Mrs. Marland: Thank you.

Madam Chairman: Thank you. We are running a little tight on time. The next question is Mrs. Bryden's.

Ms. Bryden: Thank you, Madam Chairman. I also welcome Fiona Nelson for coming before us on such short notice and bringing her letter to the Parliamentary Assistant to the Minister, Mrs. O'Neill.

I think you have done a real service to this committee because you have pointed out and highlighted a very important weakness in this Bill; namely, that it has no reference to school boards in it anywhere. But when the Minister of Municipal Affairs was before us last Tuesday, he told us that he will have the power to approve both municipal ward boundaries, as proposed by the councils and school board boundaries, as proposed by the school boards. He can alter them, of course, in any way he wants.

He is telling us he is consulting with the Minister of Education, but that the school board boundaries are coming in to the Ministry of Education and the Ministry of Municipal Affairs is the one who is given the power to accept, reject and vary, so that I think he may not have that power under the Act.

If the school boards are not mentioned in the Act, he may be acting without legal authority to approve those school board proposals and I think that is something that we, as a Committee, have to look at.

I have drafted an amendment to try and bring the school boards under the Act, so that it is clear that in effect, the school board proposals will be approved by the Minister of Municipal Affairs, but only after consultation with the Minister of Education and that I have also, in this amendment, contemplated that there may be instances, where the school board, ward boundaries should be different.

As you mentioned, there are four kinds who spread themselves across the Metro area in a very irregular way, so that I have provided in my amendment for these.

If the Minister of Education approves a ward boundary variation, which does not interfere too much with the electoral process, you can fit it into the electoral process, that the Minister of Municipal Affairs has the power to accept deviations of that sort, that there is the control, the Minister of Education would have to approve it.

I hope the Committee will look at that amendment and make sure that the Minister of Municipal Affairs has the power to define the school boards, but it is very unfortunate.

The school boards have had no guidance, except informally from the Minister of Education, as to what kind of ward boundaries they should be proposing, how much they must gibe with the municipal proposed boundaries.

In addition, there have been no guidelines anywhere published before the school boards as to how much they must stick by 'rep by pop', how much they must not cut across communities and the other sort of guidelines that are set for -- that have been enunciated, but are not in the Act for the municipalities.

There are some guidelines in the Act and so my amendment also proposes that whatever guidelines there are in the Act for municipal boundary drawing, the same guidelines should be extended to school boards.

I think that is only fair and it would leave the school boards with some knowledge of what kind of boundaries they are supposed to be coming up with.

I do not know whether you have seen the proposal from the Toronto Board, January 28th, 1988, which was approved by them. Now, I have a map here and a statistical analysis of it.

I think the Members here have seen the map, but they have not seen the statistical analysis yet, but it is a great deviation from the guidelines that are in the Act for the municipal council.

It cuts across Metro ward boundaries all over the place and it provides one trustee in some wards and two trustees in some wards and four trustees in some wards, three trustees in some wards.

It is really -- I do not know. It is a complete violation of the sort of principles I think we are working on of equal representation for equal numbers of people, as

far as possible, within the Metro wards and any subdivision should be as close to the municipal subdivisions as possible.

I will pass this to you, if you like, as you are commenting. You might wish to comment --

Ms. Nelson: Oh, yes. The problem here, Madam Chairman, is that this, of course, because of the requirement that the Board make some decision by the end of January, when the council's will not be until March, is, in fact, a hypothetical exercise because we have no idea where those municipal boundaries are going to end up.

Mind you, it took three hours to arrive at that hypothetical conclusion, but it is unfortunate that the time lines worked the way they did.

The concern that I have is that when this report was written by the presidents of the trustee organizations, we used a method for arriving at the size of a school board based on the principle of representation by population and also one that would have been much more sensitive to the requirements of different municipalities.

One of the concerns we have is that representation by population is a very important principle, but the number of people that each representative would represent within a municipality might best be decided by that municipality, rather than by some abstract ideal applied province-wide.

We are very concerned that, in fact, that attempt toward uniformity will, in fact, undercut the ability of local boards to respond in more sensitive ways to their own situations and the idea that in Metro, the board sizes are being measured against the size of the Metro Separate Board is not a very useful one from our point of view, since the Metro Separate Board is a single-tier board and we are a double one.

Madam Chairman: Mrs. Nelson, a point of order.

Ms. Nelson: I am sorry.

Mr. Black: Madam Chairman, with all due respect to Ms. Nelson and because of my background and education, I would be pleased to have this discussion continue in some other form, but we may be losing the opportunity to talk about Bill 29 here and to have questions put on Bill 29 by discussing items that are not really a part of our mandate.

Madam Chairman: I think that is quite correct, Mr. Black.

Ms. Nelson: Well, I do apologize. I hope, in fact,

that at your dinner tomorrow night, that the Minister of Education might be able to give us some light on this one.

Madam Chairman: Well, Ms. Bryden, have you any further questions?

Ms. Bryden: Just to respond, I agree that it is not in the Act. I appreciate Ms. Nelson bringing forward the concerns in this letter.

Have you had a reply to this letter?

Ms. Nelson: No. The meeting was only last Friday and the letter only went yesterday. It, in fact, was a summary of the problems that I had presented to Mrs. O'Neill.

I brought it today because it seemed to me that, in fact, in many ways, I was going to be saying the same things to you and I do apologize.

I know I was talking about a lot of things besides Bill 29. It is just that the impact of all four Bills coming down at once has got us in a bit of a tailspin.

Madam Chairman: I think we do have to stick to the Bill 29, even so.

Ms. Bryden: Could we notify Mrs. O'Neill that this has been tabled and that, if possible, any reply that she might wish to send would be useful to the Committee?

Madam Chairman: Sure, thank you. Does that complete your question, Ms. Bryden?

Ms. Bryden: Yes.

Madam Chairman: Okay. Mr. Owen, on Bill 29.

Mr. Owen: Yes, thank you.

I note in your opening remarks, Ms. Nelson, that you say that you have been in the game a long time and I am pleased that you have over the time not lost any of your articulation or your energy that you demonstrated when you were first involved.

I also note that you referred to the red volume and a green volume and a yellow volume and I hope there is no significance that you have clothed Bill "X" in a black cover.

Ms. Nelson: Well, it is simply that we are, most of us, going to be on the black list, if the retroactive provisions continue to apply.

Mr. Owen: Yes, yes. The only thing I wanted -- like, some of the other the concerns is the matter for the Ministries to hope that nobody falls through the cracks and I think the Minister is aware of that.

All I wanted to do was to reassure you that what you were referring to in your Point 4 is that I am quite sure the Minister is aware of this predicament that you have raised and I am sure the Minister does not wish to create a situation of jail-bait for anyone involved.

He is quite aware of this predicament and I am sure he is going to be taking that into consideration. That is all I wanted to say.

Madam Chairman: Mr. Mahoney?

Mr. Mahoney: The issue of the boundaries of the wards is something that either we have managed to confuse, as a Committee, or for some reason, we keep coming back to the issue of the school board.

My understanding, and we have Mr. Bowers here from the Ministry of Education. Maybe he can confirm this or municipal staff can.

My understanding is that trustees will run in the local municipal wards that are established in each municipality. Can someone confirm that that is accurate; they will not be running in the new Metro wards?

Ms. Nelson: What we have been told is that, however, those ward boundaries must be the same boundaries.

Mr. Mahoney: Within?

Ms. Nelson: Yes.

Mr. Mahoney: In other words, if you have two local municipal boundaries, they must ~~not~~ overlap a Metro ward boundary?

Ms. Nelson: Uhm-hmm (affirmative).

Mr. Mahoney: But if you have Wards 1 and 2 in the City of York, situated in Metro Ward 1--

Ms. Nelson: Uhm-hmm (affirmative).

Mr. Mahoney: --then the trustees in York will run in Wards 1 and 2 locally; am I correct?

Mr. Polsinelli: One and two --

Mr. Mahoney: Let me finish, please. The other

combination could be that you could combine Wards 1 and 2 and run any number of trustees at large within those municipal wards.

The other combination is you could run two or three trustees in each one of those municipal wards.

Ms. Nelson: Um-hmm (affirmative).

Mr. Mahoney: So the real issue and the only issue, it is not a matter, I would hope anyways, if I am understanding it correctly, it is not a matter of wards overlapping and people having to run in overlapping Metro wards or even overlapping municipal wards; it is a question of separate school supporters and public school supporters and French speaking and English speaking and where they are identified and you will not know that until August?

Ms. Nelson: That is right and so we will not know how many trustees we are entitled to.

Mr. Mahoney: So in the month of September, your Board will be able to sit down with the enumerated figures and calculate the number of trustees that will appear on the ballot in each of the wards that you are running. Is that accurate?

Ms. Nelson: I believe so, depending on the number of appeals, which have until the end of September to be heard and dealt with.

Mr. Mahoney: But prior to the municipal election, at least, you will have the data in hand and be able to make a decision as to -- you are going to get the outline of the municipal wards handed to you by the municipality.

Hopefully, you will be involved in the discussion with them to arrive at that, but that is the democratic process, that is not the legislative process.

So you are going to be given these outlines of these wards and they are going say, 'There are 10 wards and here are your enumeration figures in August. You people tell us, tell the municipal clerk in time for the printing of the ballots how many trustees you want on each board.' Am I correct in that?

Ms. Nelson: I think you probably are.

Mr. Mahoney: Then what is the problem?

Ms. Nelson: The problem, I think, is that because of the complication of the enumeration, I think it will be very difficult for candidates, especially non-incumbent candidates to know what the score is until very late in the

game.

It seems to me that one of Mrs. Johnson's recommendations, I think it was '80 or '81, was that changes not be brought to bear after January 15th of an election year, precisely for this sort of reason.

Mr. Mahoney: Let's not leave what you have just said. So in essence, the problem is a perceived political problem. It is not an administrative problem. It is not a problem of numbers, it is not a problem with the present board.

It is an unfair advantage, possibly, being given to an incumbent, although even the incumbent may not know because their situation may change.

If you currently serve in a ward that has two members and that gets changed up or down, that could change the requirement for the number of votes or your success at returning, so okay.

I can understand and empathize, then, that the problem is really not an administrative problem. The administrative aspects can be handled. It is really one of fairness to all those who are going to run.

Ms. Nelson: I think that that is -- and I think it is also fairness to the constituents, themselves, in understanding what the process is.

The boundary changes for ridings for provincial and federal are in well in advance of elections in order for everybody to know who they are and where they are and it just concerns us very much that this is coming so very late in the game.

Mr. Polsinelli: Not so. The last '85 election did not know that far in advance what the new boundaries would be.

Madam Chairman: Mrs. Marland has some other things. Are you finished Mr. Mahoney or do you have more questions?

Mr. Mahoney: Yes. That is fine.

Mrs. Marland: I think, just in response to that last comment --

Mr. Polsinelli: It was 1987, Margaret, 1986.

Madam Chairman: Please --

Mrs. Marland: Well, the provincial boundaries were established a year in advance of the election and I think in fairness to everyone and I think what this discussion is pointing out this morning is that any amendments to an

electoral process should be primarily for the people who are doing the voting.

I think any responsible member, trustee, councillor, alderman, mayor, whoever, would want first of all, for the process to be clearly understood by the people that are electing them, otherwise the whole system breaks down, otherwise there is hardly any point to it, otherwise we have a democracy run by a few sophisticated people, who are well-informed enough or bright enough to understand what is going on at that current time.

I think that is the point that Ms. Fiona Nelson is pointing out this morning very well.

When I listen to you, my concern increases for the fact that we have a Bill 29 before us, which does not address the school board issue, which you have brought to our attention, yet we have the Minister say that he has the power to control that.

I do not see anything in the Bill that says that. Now, if the government comes in with an amendment this afternoon that amends the Bill to address the issue that you well raised, but as far as the reason for Bill 29, at all, if it is to improve an overall system on behalf of the electorate whose money we spend, then we had better be sure that the larger portion of their monies, which is spent by the school boards currently, is will also addressed very carefully in conjunction with this in order for it all to work.

Certainly, the timing aspect is very, very critical and I cannot agree more than with your comments, Ms. Nelson.

Mr. Black: A point of order, Madam Chairman. Does Mrs. Marland have a question that she was asking --

Mrs. Marland: Of course I have a question, Mr. Black. Of course I have a question.

Mr. Black: I knew you would, but I wondered if you were speaking out order there because there might have been some other people --

Madam Chairman: I am sure that we are going to have a question.

Mrs. Marland: Ms. Nelson, would you appreciate it if the Legislative Clerk's Department were to put you on notice to be informed of all future hearings on any Bills in the Legislature to do with the elections that involve trustees to school boards in the province?

Ms. Nelson: Yes, I certainly would, Madam Chairman. I applaud the reforms that are before us. I think they are

extremely important. It is about time we moved to representation by population.

It is about time we moved to direct election of Metro councillors. My concern is to make sure that the reforms get to the people they are intended for.

Mrs. Marland: So I make that request on your behalf to the Clerk.

Ms. Nelson: Thank you very much.

Mrs. Marland: Thank you.

Madam Chairman: Mr. Neumann?

Mr. Neumann: Perhaps I could just to clarify what your position is, Ms. Nelson, the point you are making is that we want to ensure that all these four Bills dovetail together and that there is clarity.

Ms. Nelson: That is right.

Mr. Neumann: You are not suggesting that we hold up Bill 29, per se?

Ms. Nelson: Not necessarily. If that consistency can be achieved without it, if the amendments that come forward are seen to, in fact, mesh with the other ones.

I guess the thing that concerns me is that given the timetable that you are on, things can fall between the cracks.

I guess the main thing I am doing with this presentation is alerting you to that danger and the ways in which it could have an impact on our operations as a fairly big arm of the municipal elections procedure.

Mr. Neumann: I think you raised some very valid points and I think the point I would like to make is that the points you raise apply province-wide.

Ms. Nelson: Yes.

Mr. Neumann: Regardless of whether we pass Bill 29 or not pass Bill 29, those points are valid.

Ms. Nelson: Yes. I think I am probably doing something the same as Mr. Nobleman did before me, using this opportunity to bring a couple of other things to you because there is no other way to do it--

Mr. Neumann: Yes.

Ms. Nelson: --and in the House, you will all be dealing with all four Bills and I think that the relationships among those four are really quite critical.

Mr. Neumann: Thank you.

Madam Chairman: Thank you for an excellent presentation.

Mr. Mahoney: Before Ms. Nelson leaves, could I make just a point?

I have just checked with staff, because based on the timing concern, Ms. Nelson, that you raised, apparently the enumeration figures will be in your hands by July 31st at the absolute latest.

That would seem to facilitate the time necessary to decide, subject to the appeals and the appeals, I would assume, would not make major adjustments to ward boundaries?

Ms. Nelson: Probably not.

Mr. Mahoney: Or to the requirements for the number of trustees, so you should know, by the end of July, you should have all of those figures in your hand and be able to make those decisions, as a board, as to how many numbers you are going to run where.

Ms. Nelson: You are probably quite correct, Madam Chairman, that that is the case.

I think that in Metro Toronto, it is so much more complicated than almost anywhere else in the province and there are the four kinds of electors and there are just dozens and dozens of kinds of language groups that we are dealing with here.

Mr. Mahoney: Sure.

Ms. Nelson: I would not want to say that we are being terribly optimistic about that July date, but there is a whole new enumeration process and I am a little concerned about how that is going to be carried through and I think that is the main message I wanted to convey.

Mr. Mahoney: Thank you.

Madam Chairman: Thank you very much.

Ms. Nelson: Thank you.

Madam Chairman: That is the completion of the agenda for this morning. We are on until two.

Yes, Ms. Bryden?

Ms. Bryden: There are two pieces of information from the letters that were tabled a couple of days ago I would like.

One is a letter from the Minister of Municipal Affairs to Mr. Moll, Chairman of the Board of Education of Toronto. We do not have a letter from Mr. Moll, but he is responding to December the 11th, 1987, so could we have that?

Madam Chairman: Yes.

Ms. Bryden: The other thing is a letter from the Minister of Education, Chris Ward, to Mrs. Mary Raymond, Chairman of the Board of Education for the City of Etobicoke, and again, we do not have Mrs. Raymond's letter that he is responding to.

Madam Chairman: Can that be achieved? Both letters will be provided today.

Ms. Bryden: Thank you.

Mr. Neumann: Madam Chairman, before Ms. Nelson --

Madam Chairman: Ms. Nelson?

Mr. Mahoney: Would you like to deal with that Notice of Motion on the advertising that was put yesterday?

Madam Chairman: If that is the will of the Committee?

Mr. Mahoney: I think so.

Madam Chairman: Okay. I have a motion from Mr. Mahoney that due to the difficulties this Committee encountered in respect to public hearings on Bill 29, An Act to Amend the Municipality of Metropolitan Toronto Act, be it resolved that in future, when the Committee is holding public hearings advertisements be placed in newspapers in the areas of the province the Committee deems necessary and any decision not to advertise under these circumstances must be decided by a vote of the full Committee.

Discussion.

Mr. Mahoney: Just in support of it, I think that while perhaps the issue of advertising in this case, was covered off because of the extensive mailing list done by the Chairman in the Clerk's Department, it is the Committee's -- it is the old adage that not only should justice be done, it must appear to be done and a simple ad in the paper alleviates any concerns and does make it broader.

I am quite surprised, Madam Chairman, that it was not the standard policy, government policy at every Committee that that would almost happen by rote, when dealing with issues in the public.

I think that it was unfortunate that it occurred and perhaps some bad advice, frankly, was given from the staff, but I will not berate the staff on the issue.

Just perhaps it was unfortunate because it brought into some question the deliberations of the Committee before we opened the door and unnecessarily.

I would just like to see us deal with it as a standard. It should happen automatically and if we are going to deviate from that policy, then I think the Committee should decide that they are going to deviate from it, discuss it publicly and decide that there is no reason to advertise and go on that basis.

That relieves any of the onus from the Chairman or from the clerk to give the Chairman advice. It allows all of us to be part of that and hopefully it would eliminate the kind of criticism that I frankly think was, to a certain degree, justifiable at the beginning of these hearings.

Madam Chairman: Thank you.

Mrs. Bryden?

Ms. Bryden: Thank you, Madam Chairman.

I am very glad that you brought this motion in because I think we are, I hope, moving towards a period of more open government, where any committee hearings would be advertised, so that people would know what is going on at Queen's Park.

It is true we do not advertise when Bill "X" is coming up or Bill "Y". I do not know why I used "X".

Madam Chairman: We understand.

Ms. Bryden: But I think it is a good idea that instead of leaving it to the Committee's discretion, which is the present system and which the Clerk has explained to us is system, that it should be the reverse situation, where the Committee's discretion would be, on the question of advertising, to not advertise, it would be given that discretion, but it would have to be done by a poll of the Committee and a vote of the Committee to not advertise.

Now, in the event that the Committee is not sitting, I suppose a telephone poll of the Committee to not advertise would be possible.

I would also, at the same time, like to encourage the Committee to use its Steering Committee, we have an all-party Steering Committee, on any decisions, where possible, and then get the full Committee's opinion after the Steering Committee makes a recommendation.

It sometimes can save time on a debate, but in this instance, it was not possible to get the Steering Committee together, I gather, after the Bill was referred to us on January the 7th.

The advertising, if it was going to go, would have had to go in the following week for it to be any use, really, before February the 1st, so that I would support the motion and I think it does cover the option, but it does put the situation for this Committee that they advertise automatically unless the Committee says 'no' and I hope this would be extended to all other committees.

Madam Chairman: They have to make that decision for themselves.

Ms. Bryden: Right.

Madam Chairman: Mrs. Marland?

Mrs. Marland: Madam Chairman, I, too, am very pleased to see this motion before the Committee; in fact, it is very similar to one that I had drafted and was going to present at the end of the Clause by Clause because I felt procedurally that was the time to deal with the motion.

Madam Chairman: We have very little time now to --

Mrs. Marland: No. That is fine, but I am just saying that I did not know that we could present a motion off the subject of what was before us in terms of the Bill and I was waiting until the end of the Clause by Clause and the end of the Committee proceedings.

I think that the motion, as it is, now that I am reading it in front of us, since we do not have copies, makes it very clear, then, that where it says:

"In future, when the Committee is holding public hearings, advertisements to be placed in newspapers in areas of the province the Committee deems necessary..."

So I would assume, from that, because my motion read to be decided at the organizational meeting of the Committee, so in this wording, obviously, the Committee is going to have to meet to decide where the advertisements should be placed because some of them should be extensive and some should be local, but this would be a meeting of the

Committee to decide that, from this wording, "...in order for the contrary decision, a vote by the full committee..." speaks for itself, that the whole thing would have to be discussed by the full Committee.

I do not support a telephone canvass. I think I support the motion. Thank you.

Madam Chairman: --elected to suggest telephone canvasses --

Mrs. Marland: --the last telephone canvass.

Madam Chairman: Okay, Mr. Black?

Mr. Black: First of all, a question of clarification and then a suggestion, Madam Chairman.

Is the intent, Steve, that if your motion is passed, it would apply only to this Committee, this Committee, which is currently constituted --

Mr. Mahoney: I am told that that is all we can do.

Mr. Black: Thank you. Then I do not need to ask the second question, which was to suggest the clerk give us an opinion as to what we are doing with that.

Madam Chairman: Mr. Matrundola?

Mr. Matrundola: Madam Chairman, I really do not think that this motion is necessary. I believe there should be a recommendation to the Steering Committee and the Steering Committee should, in their wisdom, decide what to do.

I believe the message is clear and I do not think there is a necessity of passing of a motion, which will then possibly tie the hands of the Committee, have meetings over meetings to decide this and that and the other thing.

I believe that the Steering Committee is capable enough to make a wise decision in the future.

Madam Chairman: Thank you. I have no more speakers, so I will put the question. All those in favour of the motion? The motion is carried, thank you.

I believe we will now be adjourned until two o'clock.

The committee adjourned at 11:25 a.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

THURSDAY, FEBRUARY 4, 1988

Afternoon Sitting



STANDING COMMITTEE ON GENERAL GOVERNMENT

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VICE-CHAIRMAN: Mahoney, Steven W. (Mississauga West L)

Black, Kenneth H. (Muskoka-Georgian Bay L)

Bryden, Marion (Beaches-Woodbine NDP)

Charlton, Brian A. (Hamilton Mountain NDP)

Daigeler, Hans (Nepean L)

Marland, Margaret (Mississauga South PC)

Matrundola, Gino (Willowdale L)

McLean, Allan K. (Simcoe East PC)

Owen, Bruce (Simcoe Centre L)

Ray, Michael C. (Windsor-Walkerville L)

Substitutions:

Cousens, W. Donald (Markham PC) for Mr. McLean

Faubert, Frank (Scarborough-Ellesmere L) for Mr. Daigeler

Polsinelli, Claudio (Yorkview L) for Mr. Ray

Clerk: Deller, Deborah

Clerk pro tem: Manikel, Tannis

Witnesses:

From the Ministry of Municipal Affairs:

Chipman, John G., General Counsel, Municipal Affairs

Rogers, Ian, Solicitor, Municipal Affairs

Neumann, David E., Parliamentary Assistant to the Minister of Municipal Affairs (Brantford L)

From the Ministry of Education:

Tomlinson, John R., Senior Legal Counsel, Legislation Branch

Bowers, Alan G., Education Officer, Legislation Branch

ERRATUM: In this transcript, Mr. Newmann should be Mr. Neumann.

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, February 4, 1988

The Committee resumed at 2:05 p.m. in committee room 2.

MUNICIPALITY OF METROPOLITAN TORONTO ACT

Consideration of Bill 29, An Act to amend the
Municipality of Metropolitan Toronto Act

Mr. Black: Madam Chairman, we have had a number of viewpoints presented and a number of concerns raised. I note that we have with us lawyers from both the Ministry of Municipal Affairs and from Education. I wonder if we could start out this afternoon by seeking from them a clarification that might help us avoid a great deal of discussion later on this afternoon. If we knew exactly where we stood on that issue, it might resolve some doubts in several people's minds, including mine.

Madam Chairman: Okay. I think that that is appropriate. There certainly has been a good deal of discussion. I know Ms. Bryden is concerned, but perhaps in getting that clarification, we could suggest a time within which that should happen, an outside limit. Have you a suggestion, Ms. Bryden?

Ms. Bryden: Well, I would like a brief statement from each of the legal people. I guess that is what we would want. I would like a brief statement from the two legal representatives as to how they think this Bill hinges on their Ministry and whether the concerns have been expressed about whether it covers the school boards or not, but perhaps --

Madam Chairman: I think that it is just for clarification that we want -- well, as long as we are not repeating ourselves and the information that we are getting is points of clarification. Would the two gentlemen please come forward and make such a statement?

Ms. Bryden: Before you proceed, Madam Chairman, I wanted to withdraw two of my amendments and replace them with two other versions of the same amendments. May I circulate those?

Madam Chairman: There has to be unanimous consent for withdrawal.

Ms. Bryden: Okay.

Madam Chairman: Is there unanimous consent for the

withdrawal of the amendments?

Ms. Bryden: Relating to sections 3(5a)(4) and (5a)(6)?

Madam Chairman: The proposal is to substitute two others. I am calling the question. Is there unanimous consent to withdraw and allow alternates to be submitted? To withdraw, all those in favour? Is that unanimous?

Ms. Bryden: Certainly.

Sections 3(5a)(4) and (5a)(6) withdrawn.

Madam Chairman: Okay. Would the two legal gentlemen please come forward and provide those clarification points to the members of the Committee? Gentlemen, are you aware of the discussion that went on in the Committee both this morning and yesterday on the question of education and the warrants and the concerns of representatives of the Boards of Education?

Mr. Chipman: Madam Chairman, I was present this morning. I was not present yesterday, so I am not aware of all the discussion that might have taken place on that point.

Madam Chairman: Okay. I think they were clearly stated by this morning's delegations, so that is fine. Okay. Perhaps you can introduce yourselves to the Committee?

Mr. Chipman: Yes. My name is John Chipman. I am general counsel of municipal affairs in the Ministry of Municipal Affairs.

Madam Chairman: Okay.

Mr. Tomlinson: John Tomlinson. I am a lawyer with the legislation branch of the Ministry of Education.

Madam Chairman: Thank you. Any questions?

Mr. Black: I guess a general question on which I would ask you to comment. This morning we heard from the Association of Large School Boards, or a representative of that Association, which identified for us that we have currently four Bills -- three Bills and one to come -- which will deal with the question of boundaries, either for Municipal Affairs here in Metro, school board affairs across the province, for representation or for spending of moneys by school boards.

And there is some relationship between those, or could be, and the concern that has been raised is that we may end up going into a municipal election next November in a state of some confusion because of what appears to be, or what

some people perceive as being, a conflict between the pieces of legislation.

The second concern that has been raised by some members of this Committee is the concern that the jurisdiction of the Minister of Municipal Affairs and the consultation which should or may take place between Municipal Affairs and Education in relation to school board elections.

What I need to know before I go on with discussion of Bill 29 is whether, in fact, in your judgment there is a legal difficulty regarding boundaries and wards and elections that are coming up in November of 1988 or whether, in fact, it is your opinion that these are difficulties which may exist whether we pass Bill 29 or not, and are not further complicated by this legislation.

Mr. Chipman: Madam Chairman, I can partly respond, but only partly. My friend will have to talk from the point of view of his Ministry. We do not see there being any legal difficulty with the implementation of Bill 29 inasmuch as it is providing for the establishment of the metro wards and the area wards which will be in place, you might say school boards notwithstanding.

And it is my understanding -- and Mr. Tomlinson can speak to that -- that the legislation currently being processed from his Ministry will be providing for the selection of a trustee, school board trustees, within the context of the local wards which are being established and as some discussion occurred this morning, what is to happen is basically using the local wards as building blocks. Depending on the results of the enumeration which is being conducted under or by the Minister of Revenue which will provide from that Ministry an indication of the number of electors who followed in different categories for school election purposes.

And the intention under the education legislation is then to establish, using those basic building blocks, a pattern of wards, if you will, or areas for the election of the public and separate school board trustees, which will be based on and form part of the local area wards, although there may be in some cases two local wards within one trustee election area, three or one, or it would really depend, and Mr. Tomlinson will have to comment on that in detail.

That information, as indicated this morning, the enumeration information will be available by the end of July, and that is made available, of course, for both the municipal and the school board elections.

So, from our point of view, I cannot see any particular difficulty in meshing the two systems. Mr. Tomlinson will

have to speak in more detail as to details of his legislation and how that will fit in. But I hope that gives you an indication of the legal situation as we see it from our point of view.

Mr. Tomlinson: Your first question, I think, was whether there was a conflict between the Bills. The Bill 76 in which the Ministry of Education's Bill dealing generally with the composition of the Boards and distribution of the members amongst municipalities and amongst electoral areas. That Bill does not apply to the Boards of Education in Metro. So there is no conflict between that Bill and this Bill that you are looking at now.

The Boards of Education in Metro are dealt with in the Metropolitan Toronto Act and their composition is set out there specifically and basically for the various Boards in Metro. They have either one or two members per ward. That is the language that is used, "per ward". When this amendment is done, this Bill you are looking at is done, you will be changing the number of wards.

So, if nothing is done to those provisions in the Metro Act that tell us how many members are on each of these Boards of Education, if nothing is done, then what you have done will to change the total number of members on these boards, because what it says there is either one member per ward or two members per ward.

Under this Bill, there will no doubt be an increase in the number of wards or a decrease in the area of municipalities. So that is going to increase or decrease the population on the boards.

So, something has to be done to make it rational. We are not just going to leave it like that. As was mentioned, I think yesterday, because I was here for a while yesterday, the Minister of Municipal Affairs -- and this touches on your second question as to the consultation -- the Minister of Municipal Affairs did contact the Minister of Education to say, "Look, we are changing the ward system here and it is going to have an impact on the number of members on the Boards of Education. Would you like us to be putting something in here to deal with that?" And the response at that time, as I understand it, was, "Thanks for informing us. No, not at this time because we are waiting for representations from the Boards in Toronto including the Metro Board as to what they would like to see done".

We have not dealt with them yet because they are a unique two-tier structure that does not exist elsewhere in the province and we think there may be some special considerations. When the representations have come in -- and some of them have but some of Boards still have not replied to the Minister of Education -- then appropriate

amendments -- the intent is appropriate amendments would be done.

Two, where they would be put has not been decided. They could either go in the Metro Act or they could go in this Education Bill that is out there now. If they continued the general principles that are in the Education Bill that is there now, what that Bill says is that for your dividing members -- you are having your members divided amongst wards -- do it as nearly as possible according to the population of the wards. If some wards have lesser numbers of separate school supporters than others, you can combine wards if you want to elect members.

But that is the general principle in the Bill that is out there now. As to whether that would be the final amendment to deal with Metro, as I say, that is being left open until the representations come in and we see what they have to say.

Mr. Black: Could I ask you for clarification? Do you anticipate major problems in ensuring that the elections for the School Board in Metro Toronto next November can be carried out in a way that is fair both to the taxpayer and the voter, fair to the trustees who intend to qualify for office, fair to the province at large?

Mr. Tomlinson: At the risk of appearing to duck the question, we have a senior policy advisor here who is perhaps more in tune with the policy implications and political implications and you might want to ask that question to him.

Mr. Black: I would be happy to ask it to someone.

Mr. Tomlinson: Sure.

Madam Chairman: Take a seat and join the panel.

Mr. Bowers: We do not see any problem beyond the fact that any change will necessarily be somewhat less comfortable for people going through the process than no change at all, and clearly, we have changes from Metropolitan Toronto. We have had extensive consultation between the three effected ministries from the point of view of putting plans into operation -- Education, Municipal Affairs and Revenue.

To ensure that, to the extent that we can, all of our regional offices are fully aware of the same kinds of concerns so that although Education may be talking more to boards and trustees, they know what Revenue is saying to their local assessment officers and what the Municipal Affairs people are saying to the local parks and that municipality. So there is co-ordination to ensure that all

of the public servants are fully apprised of the requirements that this process will have across the province.

And Metropolitan Toronto, in that sense, is only different to the extent that it will have new wards and that is not a major consideration when you recognize that across the province anyway. Under the existing rules as they are of today, there are municipalities that maybe were not combined in the last election that would be combined, and to that extent, there is a new electoral area for those persons and they will have to live with that within the same kind of time lines as Metropolitan Toronto has to live.

So it is difficult for me to say anything that is special about Metropolitan Toronto given that this Bill goes through in its current form or with such necessary amendments as it sees and any other area of the province as I think it is a process of change. We have to recognize that. It is not as comfortable, therefore, as the status quo.

The Education Bill attempts to introduce the fundamental principle of 'rep by pop' rather than representation by wealth and we have to accept that the change, the dislocation, the extra discomfort, flow from that.

Madam Chairman: Does that complete your questions, Mr. Black?

Mr. Black: I am happy.

Madam Chairman: Thank you. Ms. Bryden.

Ms. Bryden: Well, Madam Chair, I think we are still not very clear where we are at, and I am not sure that carrying on this discussion is going to be too useful when you gentlemen, when the legal people, have not been attending all the meetings. We have got two different answers. One is that what is going on in the amendments in the department of Education Act does not apply to the metro school boards; is that not correct?

Mr. Bowers: That is correct.

Ms. Bryden: Why are we talking about those amendments generally? We are here to change the Metro School Board's boundaries.

Mr. Bowers: I think the reason that there is conversation about them is that there is a very clear intention that the principles of the Education Bill will be applied to the Public Boards in Metropolitan Toronto. They, through Mrs. Nelson, were a part of the consultation process, where all the five trustee organizations were

represented on a joint Ministry of Education Trustee Organization Committee that brought forth the report whose principles are now in our legislation.

Ms. Bryden: But that will not be implemented probably until long after the period when these new wards are drawn, the City of Toronto's next election; is that not true?

Mr. Bowers: But, my understanding of that process is that the school boards have been part of the consultation process, integral to the consultation process, for the establishment of the new wards and that that feedback will come through to the responsible Minister which is the Minister of Municipal Affairs.

Because ward systems talk about total population rather than about splits between public schooling, English language, French language, separate school English language, separate school French language supporters. There is no way in which we can build ward structures that will address, on any equitable basis, uniform populations of the groups for the public board and the separate board. Therefore, no matter where we draw the lines for the municipalities, we will inevitably be forced to create special units for education trustee elections. That is inevitable.

Ms. Bryden: I understand that.

Mr. Bowers: And therefore, where the wards go should be more governed by community of interest population and the municipal elections than by the trustee. And we have a formula that we say will then distribute according to population of the appropriate electoral group, as we chose to call them, to each of the wards or combinations of wards.

Ms. Bryden: But we are here to change the boundaries of Metropolitan Toronto and it is going to change the School Board boundaries in some way or another, apparently. Is it not important that in Bill 29 we should do the whole job and deal with the school board issue since it is only the Metropolitan Toronto school boards that will be affected by what happens under Bill 29?

Mr. Bowers: My understanding is that they will be, through the feedback process -- that Bill 29 simply provides to the Minister of Municipal Affairs, the authority to create the order in council. I think the Minister of Municipal Affairs on receiving the feedback from the councils and the boards will take all of that input into account.

Ms. Bryden: But the councils and boards have had no guidelines set forth in Bill 29 as to what they are supposed to be proposing and whether they could be proposing, not necessarily exemptions, but variations approved by the

Minister in order to achieve this equity in population between the different kinds of school electors.

It seems to me that where we should be going is to include in Bill 29 the whole process with the same guidelines applying to both school boards and municipalities but with the power to vary where the school board situation is different.

Madam Chairman: I think we are kind of getting into a debate of perspective, and what we are trying to do is get clarification from the staff on what their perception is of the Bills and particularly Bill 29.

Ms. Bryden: Well, I think we have got quite a bit of clarification from the legal people as well as the policy adviser and perhaps more of it may come out in the debate on the amendments.

Madam Chairman: Quite possibly, but that is when we get into the debate. Have you any other points that you want clarified? Miss Marland.

Mrs. Marland: Thank you, Madam Chairman. I think it was Mr. Tomlinson who said that you had had some contact with the school boards and you had heard back from some.

Mr. Tomlinson: Yes, that is my understanding.

Mrs. Marland: So, my question is do you know how many got back to you to voice their concerns or questions or input into the drafting of the Bill?

Mr. Tomlinson: My understanding is three out of seven.

Mrs. Marland: Three out of seven. And was the contact with them formalized to ask for their input?

Mr. Tomlinson: Mr. Bowers can perhaps respond to that.

Mr. Bowers: There was a letter that was sent on October the 27th which asked them to provide input on the basis of the joint report. And then there was a follow-up once Bill 76 was introduced saying, "Yes, we are granting an extension of the deadline to January the 31st. We have the Bill in the House. It is principles of those of the joint report in essence, and we intend to apply the principles of Bill 76 to your circumstances if you can tell us the best way of doing that within your unique two-tier government structure".

Mrs. Marland: Right.

Mr. Bowers: So they have been given that advice from our Minister and, at this stage, we know that some of the Boards that have not responded to us have asked for

deadlines, and we are in the process of looking at that request for an extension.

So, as Mr. Tomlinson indicates, we have received responses from three out of seven. It may be that one or two of the others will get an extension of the deadline because they clearly have not met January 31st deadline already.

Mrs. Marland: Now, did you do the same thing formally to the Trustee Associations that are -- well, I guess all the Metro Boards have members in the two Trustee Associations.

Mr. Bowers: Well, the Trustee Associations were party to the original joint report and since all of the principles essentially of that report are embodied in either the legislation in Bill 76, all will be put into the regulation that Bill 76 authorizes. They have been sent copies of the Bill, so that they have seen what its impact has been, and they have had the opportunity to respond to us.

Mrs. Marland: The copies of Bill 76?

Mr. Bowers: Of Bill 76, yes.

Mrs. Marland: And were they given a deadline to respond by as well?

Mr. Bowers: No. It was expected that if they had comments to make they would make them because in the normal course of making their feelings known to the Minister, we felt that we have already gone through a consultative process with them and we have provided them with information. They may or may not choose to air whatever differences did not exist in the report that now have come to the surface, and the Minister may take account of that as he would in any correspondence coming from various constituencies of the Minister of Education.

Mrs. Marland: Right. Okay. Thank you.

Madam Chairman: Thank you. Those are my questions on the points of clarification. I thank you, gentlemen, for joining us and providing us with the information.

We now move on to Bill 29, an Act to amend the Municipality of Metropolitan Toronto Act, and section 1. Shall section 1 carry?

Mr. Cousens: The only thing I could ask is that, Madam Chairman, is where the amendments have already been tabled and it would help us just to sort of pay special attention when she says, "Hey, this is time for the -- " or does she have it down or do we have to keep watching?

Madam Chairman: Do you want me to tell you when I come to a section that has an amendment?

Mr. Cousens: That would be helpful and then we could just --

Madam Chairman: Sure, well, I have no amendments for section 1.

Mr. Cousens: And I like that.

Madam Chairman: All those in favour, then. Carried.

Section 1 agreed to.

Madam Chairman: Shall section 2 carry? I have no amendments on that section. Carried. Thank you.

Section 2 agreed to.

Madam Chairman: Shall section 3 carry? And I do have amendments on section 3. Okay, I have a government amendment to section 3. I move. Mr. Polsinelli, will you read that?

Mr. Polsinelli: Madam Chairman, I have an amendment to section 3, and I move that subsection (5a)(1) of the Act as set out in section 3 of the Bill be amended by striking out "sixty" in the first line and inserting, in lieu thereof "thirty". I think this has been debated already at some point prior to the clause by clause, and it merely maintains more or less the same time lines for the municipalities as was anticipated when the announcement of the Bill was made.

Madam Chairman: Discussion on the amendment? Ms. Bryden.

Ms. Bryden: Well, there has been a lot of time elapsed since this was drafted, of course, this Bill, before Christmas, but it would have been nice if there had been time to allow a further public meeting when the proposals are finalized in the local areas. This is not happening, I understand, in the school board areas. Particularly, there have been some public meetings in the other areas, but in view of the delay over the period of Christmas and up until now, I think the main thing is to get the new boundaries in effect for the 1988 election.

So I am prepared to go along with the reduction in time, this time, this round. I hope the future process will allow for much more public input on the proposals from the municipalities.

Madam Chairman: Thank you. Any further discussion on the amendment? All those in favour. The amendment is

carried.

Shall section 3 as amended -- sorry, another amendment?

Ms. Bryden: There is an amendment that I have just substituted for my earlier amendment, section 3, subsection (5a), number (4). When you get down to that issue, I would like to speak.

Madam Chairman: So we are still on section 3; okay. I believe this is the next amendment, Ms. Bryden, so if you would like to proceed.

Ms. Bryden: You do not have to adopt subsection (2) and (3).

Mr. Polsinelli: Perhaps if we can take it section by section and that would be (5a), (5b), (5c) and deal with it that way and see if there are any amendments that way.

Madam Chairman: Okay. So, where are we?

Ms. Bryden: (5a)(2) and (3).

Madam Chairman: Okay, shall section (5a)(1) as amended carry? Carried.

(5a)(2). Carried.

(5a)(3), shall that carry? Carried.

(5a) -- that includes all of (3). (5a)(4), carried.

Section 3(5a)(1), 3(5a)(2), and 3(5a)(3), as amended, agreed to.

Ms. Bryden: No, that is my amendment to strike that section and substitute for it.

Madam Chairman: Okay. Now, we have an amendment. Ms. Bryden.

Ms. Bryden: Do you want me to read the amendment?

Madam Chairman: Yes, please. Ms. Bryden moves that subsection (5a)(4) of the Act as set out in section 3 of the Bill be struck out and the following substituted therefore:

(4), the recommendation under subsection 3 shall provide for the establishment of (a), the number of metropolitan wards in each area municipality that is equal to the number of persons to be elected to the metropolitan council from that area municipality under subsection 5(1) and the number of local wards in each area municipality that is equal to or a multiple

in whole numbers of the numbers of metropolitan wards in that area municipality and each local ward shall be located entirely within one metropolitan ward.

Ms. Bryden: And then, there is a (4)(a) that I think should be considered in conjunction because it is an exception from (4)(a) and (b) that notwithstanding clause (4)(b), the Minister may recommended a different number of local wards for the City of Scarborough, but each local ward shall be located entirely within one metropolitan ward.

Now speaking to the motion, you had (4)(a) and (b) before my earlier amendment. The main reason that I have added the notwithstanding clause (4)(a) is because after two days of hearings, and listening to the different municipalities, I have learned that the whole number proposal, that is the number of wards must be a multiple in whole numbers. The number of metropolitan wards. That is under (b). It works for all of the six municipalities, except Scarborough. As in light of the proposals that the various representatives and deputations from those municipalities have given us that their proposals will fit the multiple in whole numbers for the number of area wards.

For example, York will have two Metro wards and wants eight area wards which is a multiple of two. Scarborough -- let us leave Scarborough out for the moment.

Etobicoke gets four metro wards and wants twelve area wards which is multiple of four.

North York has seven Metro wards and wants fourteen, which is multiple.

Toronto has eight wards, metro wards, and wants sixteen area wards.

East York is a special circumstance covered by a separate section of the Act which we have already passed. I think it is 2, section 2, subsection (4), the Borough of East York shall be deemed to be one metropolitan ward. So it can have any multiple of one and it wants four.

So, this whole number multiple fits everybody but Scarborough who will get six metro wards and wants to retain their fourteen wards. In order to be a multiple, they would have to have either twelve or eighteen, and in the interests of trying to reduce the number of politicians, shall we say, or the number of elected representatives, which is part of the objective of this Act in Metropolitan Toronto, I do not think we want to be encouraging Scarborough to set up four more wards than they now have and I do not think they are asking for it.

But the reason for treating Scarborough differently --

and I know this is something that we have to be cautious about just to whether there should be any exceptions -- is that they are in a state of considerable flux in development. They are probably the fastest growing municipality right now and they need time, I think, to absorb that growth before they revamp their present fourteen wards.

And therefore, I think we are justified in letting them divide their six municipal wards into fourteen into the present fourteen wards to put the present fourteen wards within those six metropolitan wards still following the principle that is in my amendment and which is probably in the Act, but not articulated as clearly as I like. But each local ward shall be located entirely within one metropolitan ward so that there is no crossing of ward boundaries in their fourteen wards. So they will have to work out their metropolitan wards to encompass those fourteen wards. So that is why I am recommending that.

Now, subsection (a) in this amendment is no change at all. It is simply a repeat of subsection (a) in the Act for subsection (a) because that is where the number of metropolitan wards must be equal to the number of persons to be elected to the Metropolitan council from that area. So, there is no change there.

In (b), there is the change that instead of the municipality being able to recognize, to recommended, varying numbers of area wards which could be two, three, four, five -- any number under the present wording of the Act, they would be limited to recommending a multiple in whole numbers. And I just want to make one or two arguments as to why we should be trying to stick to that principle that we are in a unique situation, Madam Chair, that there is no time to establish an independent boundary commission, as we all recognize, although many of us in many of our deputations would have liked to have seen that.

But because of that, it is our duty to produce guidelines which will meet the objectives that appear to be what this legislation is seeking and what we are all, I think, seeking, namely 'rep by pop', it is one. Two, equal treatments of different parts of each municipality. Three, preservation of neighbourhoods. Four, avoidance of strip wards. Five, no seeking block boards versus strip wards, which the OMB has accepted in past decisions on Metropolitan Toronto wards in order to avoid unfairness and representation in this unwieldy and does not really recognize communities.

Six, to remove the opportunity for manipulation of boundaries which the present law, allowing any number of area wards, does leave those opportunities wide open, and there have been reported to us allegations that some of the

proposals that have come before the different councils have been designed to protect the incumbents' current seats.

I think you have to recognize that all incumbents on councils do have a conflict of interest when they are given the job of deciding on the boundaries of the area of wards and many delegations have pointed this out to us. And that is that is why I think we have to clarify the rules and make it clear that they must seek fairness in their division of the metro wards into area wards. That is our responsibility.

And there appear to be a considerable number of deputations expressed here that the present balances of viewpoints on the councils would be given an unfair advantage if the above principles were not ensured by rules in the legislation, and that is why I urge members to consider adopting rules that are also in my second amendment.

But this one main rule that is in the first amendment we are looking at and that is there must -- the number of area wards recommended must be a multiple of the number of Metro wards and that they must all be within the boundaries of a Metro ward.

I would point out that two of the options before the City of Toronto, which most of you have seen in these maps here, do not adhere to that principle, and we still do not have any indication which option the City of Toronto is going to adopt. But those two maps, that is option B. and C. here, provide for three area wards within a metro ward.

And in order to achieve that or to make it more feasible, there has been quite a bit of increasing of size of some wards and decreasing the size of others in order to try to accommodate that situation, and option B. does this with three wards -- numbers three, five, and eight -- and you get some long strip wards in three, and option C. does it with five and eight and I think we have got to have legislation that does not allow this kind of manipulation.

Because when you have different numbers in different Metro wards, different numbers of representatives, you have really unfair representation. You have more votes for that area. It is true you may give them a little more population, but also you have wards that go against the guidelines of preservation of neighbourhoods and avoidance of strip wards and 'rep by pop'.

I have circulated to you the statistics in the City of Toronto that exemplify what is proposed in the four options. Option A. and D. is fairly clear, 'rep by pop' with some variations, and you can see on that sheet the variations between the highest and the lowest under option A. goes from

65 to 81 and option D. it goes from 65 to 82, but on option B. and C. it goes from 62 to 87, which is a very wide variation, and option C., it also goes from 62 to 87.

So that my amendment is partly to prevent that kind of unfair redistribution which has been pointed out by many of our deputations, and I think it is something we have to consider seriously since we do not have an independent boundary commission that this is not a partisan issue, I do not think. It is something that we, as legislators, have to step into the local situation and make sure that redistribution is on a fair basis.

We are not trying to interfere with local autonomy but to ensure that there is fairness and an opportunity for all viewpoints to obtain representation on councils and some of the proposals. I am not saying it is only in the City of Toronto that this is happening; it is happening in some of the school boards -- at least one of the school board proposals and that is from the Toronto Board of Education which was circulated to you.

This attempts to cut across Metro wards as well, this particular proposal which was circulated to you yesterday, and it runs from one trustee in some wards to two trustees in other wards, three trustees in other wards, four trustees in other wards, and cutting across the boundaries.

My amendment would prevent that sort of manipulation, and I think we have got to have guidelines like that or people will say, Why did you not wait and have an independent commission?

I just want to add that the Minister may, you know, be guided by whatever the city councils accept of the various options, but we have to remember that the city councils, their own seats are at stake. So I think he has to have some guidelines that allows him to reject proposals that appear to be departing too much from 'rep by pop' or proper neighbourhoods and listen to what deputations have told him and we should not put the Minister in the position of having even to consider proposals like B. and C. in the City of Toronto because the council may vote for that.

We should give him guidelines that will enable him to reject those kind of proposals and aim at the fairness in the redistribution. And we believe in democracy, and really A. and D. are fair proposals, but I do not think many people would consider, B. and C. as fair proposals.

And as far as Scarborough goes, as I mentioned, it is perhaps important to make an exception in their case because of the state of their growth and development. They could still a year from now, change their boundaries and come within our guidelines more easily -- perhaps add one or two

wards if they wish.

But it does let them use their existing situation for the present, but a year from now they will be able to, under the legislation, to change it and perhaps to get closer to rep by population, and by then they may know which areas of growth need new wards or adjustment to the present awards.

So that I am urging you to adopt this whole number of amendments which has received a lot of support from delegations that came down to City Hall in Toronto and some from our deputations here, but I have recognized that I am prepared to consider an exemption for Scarborough for I hope it does not become permanent forever in their present ward set up, but they continue to review it.

So, I would -- I do not know whether Madam Chair wishes to deal separately with these two amendments of (4) and (4)(a) or whether -- perhaps we should.

Madam Chairman: Just to keep --

Ms. Bryden: Although, they are really tied in together. I think you do not accept (4) unless you are prepared to accept (4)(a), probably. Well, you could.

Madam Chairman: If we could, we can debate on the whole matter and then, if you wish, we can divide for the vote on that. But I will open it for discussion on the amendment. Anybody wishing to speak? Mr. Cousens.

Mr. Cousens: I think that was a good speech, Marion. I am in support.

Ms. Bryden: Thank you, Mr. Cousens.

Madam Chairman: Shall the amendment carry? Carried. Those opposed. Lost.

Shall section (4) as it -- no, wait a minute, section --

Ms. Bryden: I have another amendment. Now, it is subsection (5a).

Madam Chairman: Yes, but we are trying to carry -- we want to pass section (4). Shall section (4) carry? Carried.

All those in favour of section (4) carry.

Mr. Polsinelli: Section (3)(4).

Madam Chairman: Section (3), subsection (4), sorry. All those opposed?

The next amendment to section -- okay, we are now at section (3) subsection (5). Shall that carry? Carried.

Sections 3(5a)(4), and 3(5a)(5), agreed to.

Madam Chairman: Now I have section (3), subsection (5a)(6). And I have an amendment from the NDP on that.

Ms. Bryden: Well, I would like to speak to that Madam Chair.

Madam Chairman: Yes, Ms. Bryden.

Ms. Bryden: But I should move it first, I guess.

Madam Chairman: Yes? Mrs. Bryden moves that subsection (5a)(6) of the Act as set out in section 3 of the Bill be struck out and the following substituted therefore:

"(6). If more than one local ward is to be established in a metropolitan board in any municipality, the Minister, in recommending the boundaries for the local wards, A., shall take into account the principle of representation by population in existence of local boundaries and communities and any patterns of future growth."

B. should propose that all local wards in that metropolitan board be single-member wards.

C. shall propose that each Metropolitan ward have the same number of local boards and with the exception of Scarborough.

Ms. Bryden: I have a notwithstanding clause in there.

Madam Chairman: Mrs. Bryden proposes:

The Minister may propose that each metropolitan ward in the City of Scarborough have a different number of local wards for the reasons.

Ms. Bryden: And this is for the reasons I have mentioned as to exception for Scarborough in the previous amendment.

Now, the reason that I am bringing this amendment forward is that I feel that subsection (6) does not cover the whole process of drawing area boundaries. For one thing, it recommends only that where the wards are a multiple in whole numbers, each local ward shall be located entirely within one metropolitan ward. Well, that is one good principle and that is in my C. or -- I am sorry, that was in my previous amendment.

But anyway, so we should, since my amendment is lost, retain that principle that each local ward be entirely within one Metropolitan ward. But in addition to that clause, I would like to add these as criteria and the reason I am adding them is that the Bill is so unclear as to what are the guidelines that the Minister is to follow.

There really is no place that even the principle of 'rep by pop' is mentioned even though I understand the Minister, in his letters and instructions to City Clerks and to Mayors and so on, has suggested that that is one of his objectives. But to not have these objectives written into the legislation, is, I think, a cop-out by the government and is giving the Minister the power to make approvals with no written guidelines.

And therefore, I think there may be great unhappiness with what he chooses and yet he cannot be challenged if there is no written guidelines as to whether he has deviated from the objectives from the legislation, and I think the electorate would like to know on which basis the Minister is making his decision when we have to give him this power, because of our failure to have had time to set up a proper independent review board.

The Minister has been given this responsibility of being the independent review board. And I think if we do not lay down some guidelines for him, he may be under considerable fire for justifying his decisions. And therefore, that is why A. mentions four guidelines or three guidelines, the principle 'rep by pop', the existence, considering the existence of local boundaries and communities and considering any patterns for future growth, and if he follows those guidelines, I think we will get some fair boundary, or drawings -- some fair redistribution of wards.

But, without those in the legislation, the Minister can really just decide on any basis, and I think that is giving much too much power to a Minister in this case. I think we should deal with A., B., and C. separately because they are separate guidelines there or criteria.

Do you want me to speak to all three now or should I speak to each one?

Madam Chairman: Speak to all three.

Ms. Bryden: I beg your pardon?

Mr. Polsinelli: It is easier. It is the concept that we are voting on.

Ms. Bryden: I think it is better though, really, to have a vote on each one separately and perhaps a discussion on each one because they are quite distinct. I probably

should have brought them in as separate amendments but --

Madam Chairman: It is up to the Committee if they want to divide the question.

Mr. Polsinelli: Perhaps Ms. Bryden can just make her argument and then if she prefers, we vote on all of them or section by section. It really makes no difference.

Ms. Bryden: I would prefer to have a vote on them section by section because they are principle --

Mr. Polsinelli: Sure.

Ms. Bryden: Yes, okay. Well, the second one, the single member ward is something that I think most politicians and most electorates would prefer. They found the disadvantages of multiple member wards are such that they have virtually eliminated them at federal and provincial levels although not entirely around Canada.

There appears to be a move to eliminate multiple member wards or in the effort to eliminate wards of control and they are also in some -- most of the proposals, I understand, that are coming from the local municipalities are aiming at single member wards where possible, although, again, Scarborough is not -- well, I should not say it is not. They may split their various wards, their fourteen wards into single member wards.

But I think there are a lot of arguments for one member representing one geographic area and having a smaller area to deal with in the present set up where we have had double member wards in the City of Toronto for quite a number of years. So, that, I think is a principle that we should be aiming at and that is why we put them in the legislation.

The Minister may occasionally say that does not work in this area or we are not ready for it yet. But I would hope he would look with favour mainly on proposals for single ward.

My third one is that each metropolitan ward should have the same number of local wards which would achieve the sort of equality that I was wanting to achieve by my first amendment. So that I think it is still something we should aim at to have equal representation cross the board in each municipality. If there are six metro wards, there should be some multiple of that, as far as possible, in the local wards and not to continue this one, two, three, four, and five possibilities, except in special circumstances.

I think the electorate feels very strongly that they do not like the idea of some Metro wards having more members than others, and I think that is one of the places where

this Act will be gravely criticized if it does end up with that in very many areas and if there is not any special reason for that happening. But, again, I could conceive that there is a special reason in Scarborough at the moment for that happening. So that is why (6)(a) is there.

So, I would like to urge members to consider these criteria if they want a piece of legislation that they point to as aiming at fairness of 'rep by pop', and a good electoral redistribution.

Madam Chairman: Thank you, Ms. Bryden. Mr. Mahoney.

Mr. Mahoney: Just very briefly, I think the Minister commented when he made his presentation that he would be studying recommendations from the area of municipalities on ward boundaries and at that time, I am sure, he would like to take into account local boundaries and special aspects within the community or patterns of future growth, and I think that we should be very careful not to usurp at least too much local autonomy. So, in that regard, I would be opposed to this being part of the legislation.

Madam Chairman: Mr. Owen.

Mr. Owen: Yes, I would like to recognize Ms. Bryden's desire to spell out these principles that we always try to follow whether we are setting boundaries at any level of government, but I think that what happens sometimes is if we did not spell it out like this, it tends to start to take on a bit of the element of what is concrete, and you are missing out on the flexibility which, I think, the Minister is seeking in following the concerns of the local municipalities.

I think we would lose that, and while I appreciate what Ms. Bryden is doing here in setting out these principles, I am sure the principles will be followed wherever possible. But I think if we put it into print, it would be too constraining and therefore I cannot feel I can support it.

Madam Chairman: Thank you. That concludes my list on the discussion and we have agreement to deal with this amendment section by section.

So, shall the amendment to section 3 subsection (5a)(6)(a) carry? All those for, in favour? Okay. All those in favour. All those opposed. All those opposed. That section is lost.

We now move to section 3 subsection (5a)(b). Shall that section carry? No. You want a recorded one on each? Okay. Those in favour? Those opposed. We are on B. of the amendment. Subsection (5a)(6)(b). Okay, may I have your votes? May I have your votes, please? I have those in

favour and I have those opposed, but I have not had votes from two members of the Committee. Opposed. Thank you.

Now we are dealing with section 3, subsection (5a)(6)(c). Those in favour. Those opposed. Same as the other one. Okay, defeated.

Mr. Polsinelli: We have to deal with (6)(a), right?

Madam Chairman: Yes, we are coming to it. Section 3(5a)(6)(a). Those in favour? Those opposed? Defeated.

Shall section 3 subsection (5a)(6) carry? Carried. All those in favour. Those opposed.

Shall section 3(5a)(7) carry? I have no amendments to that section. Carried. Thank you.

Sections 3(5a)(6) and 3(5a)(7) agreed to.

Madam Chairman: Shall 3(5a)(8) carry? I have no amendments to that section. Shall 3(5a)(9) carry? I have no amendments to that section. Now, I have another amendment from Ms. Bryden. Yes, Ms. Bryden.

Ms. Bryden moves that section 3, section (5a) of the Act as set out in section 3 of the Bill be amended by adding thereto the following subsections:

"(10). Each school board shall submit a proposal to the Minister of Municipal Affairs and the Minister of Education respecting the boundaries of the school board wards and the number of school board trustees to be elected and (5a)(1) to (9) and section (5)(b) apply with necessary modifications."

"(11). If a school board proposes boundaries for school board wards that differ from the boundaries for local wards approved by the Minister, the Minister may accept such proposal if the Minister of Education has agreed to it and it does not adversely affect the election process."

Ms. Bryden: So, speaking to the motion, Madam Chair, I feel that while we have been told that Bill 29 does not apply to school boards, it has become evident during the discussion that -- and during the clarification session -- that the school boards are definitely subject to this Act in many ways, and the Minister in his statement to the Committee on February the 2nd did say that he would be making the decision on the school board proposals that come in as to which ones will be accepted. So the school boards are definitely under the Act but they are not mentioned, and I think it is a very great criticism of the Bill that it has spelled out what the local municipalities must do in

redistributing their boundaries.

But it has left both the school board electors and school trustees in great doubt about what kind of boundaries they are supposed to be considering, whether they can have different boundaries. It has left them in doubt about whether they are covered by any future financial contribution legislation that may effect whether they can start funding-raising right now. It has left them in doubt about whether Bill 76 applies to them.

We have now discovered that Bill 76 does not apply to our school boards in the City of Toronto, but that they have their own unique legislation. It seems to me when you are changing boundaries, you should be recognizing that there are metro school boards under the municipality -- not under the municipality, but the Toronto Act, but with their own legislation and that they should have somehow or another been covered by legislation which would indicate to them what guidelines they must follow.

And I submit that the same guidelines should apply to both the municipalities and to the school boards in redrawing boundaries because they are both trying to achieve 'rep by pop' and equity, and that I recognize that in the case of the school boards, because of the different number of separate school supporters and public school supporters, there may need to be variations or deviations, but we do have to recognize that both trustees and councillors are elected under the Municipal Elections Act, but the machinery is run by the City Clerks and that it seems to me that you have to somehow or other keep the boundaries of the school board wards pretty similar to the municipal wards.

And therefore, I think, giving the Minister the power to approve the school board proposals may put him in danger of having a court challenge that he does not have the power to rule on those, because it is not even mentioned in the Act that he will rule on school board proposals. And this is why I think it is important to extend the provisions of section (5a) to the school boards and set forth that they must submit a proposal to both the Minister of Municipal Affairs and the Minister of Education in order to give him the proper authority to then approve, amend, change whatever power he has to do that.

It would be a great pity if the whole municipal election situation in the City of Toronto was subject to a court challenge that his definition of boundaries had not been authorized under Bill 29. And I think that you have to recognize though that that is a possibility.

I am trying to make it simple by just saying that you extend the same criteria to them and that you put into the Act that the school boards must submit their proposal to the

Minister of Municipal Affairs. And not just having the Minister of Education as a conduit, there must be, of course, joint approval if there's going to be any variations from the municipal ward in order to allow for special school trustee problems.

But at the same time, you have to allow for the electoral process and not have a whole lot of different elections going on at different times in different wards if you do not want to completely confuse the public.

So I still submit even though it has been said in this Committee that it is not in order to introduce a motion to bring the school boards under, I think it is a matter of wisdom to bring them under to clarify the Minister's power, the Minister of Municipal Affairs' power, to deal with this very important problem of deciding on the future ward boundaries for the municipal elections.

And I think since the City of Toronto has its own education legislation, it is perfectly in order to consider that they should be part of Bill 29, and if there is any need to amend, it is their own legislation that they would then have to introduce afterwards, after the Minister had approved boundaries that may conflict with the present school board legislation. But to attempt to try to set up the school board boundaries without any guidelines at all in the Bill is, I think, is a matter of colloquy on our part and I think that it may cause great problems.

It certainly has been very unfair to the electors and the trustees. They do not give them any sort of guidance in the legislation as to where they fit in. Whether they would be allowed to have wards different from the municipal awards or not, I still do not think that it is clear to what extent they will allowed to have wards that are different, and to what extent that will be electorally possible is not clear.

But if we put in these two clauses, we simply extend the Minister's power to make rulings on the education situation and to consult with the Minister of Education and to accept exemptions from the municipal wards where it is considered necessary and feasible and would fit into the election process.

So that is all I am attempting to do, and I think that this should be considered in order because, in effect, the school boards, they were invited to come to the hearings so that they have been part of public hearings. But, if we leave them out entirely, I think that they will feel that the government is not concerned about school board elections, the school board boundaries, school trustees at all, and I think that is a very bad thing to get that idea across to the electorate.

Madam Chairman: Thank you, Ms. Bryden. The purpose of this Bill is set out in the explanatory notes and specifically it provides for the restructuring of the Metropolitan Toronto Council. The amendment proposed by Ms. Bryden deals with the boundaries of the school board wards and provisions with respect to school board ward boundaries are not dealt with in this Bill, and the amendment is therefore beyond the scope of the Bill.

Ms. Bryden: I have to challenge your ruling, because I do not see how the Minister can approve school board boundaries if the school boards are not under this Bill.

Madam Chairman: Well, I think that has been clarified and if you wish to challenge the Chair, of course, you can, but that is my ruling on that matter. Okay, the next amendment that I have.

Ms. Bryden: I think I would like to challenge the Chair, Madam Chair.

Madam Chairman: Okay, motion. The ruling of the Chair has been challenged. All those in favour of the Chair?

Ms. Bryden: You do not have the two people make a statement as to why.

Madam Chairman: I am not sure of the process. I have not gone through this. Your statement on the challenge.

Ms. Bryden: Well, as I have already said, I think that the school boards are effected by this -- the school boards in Metropolitan Toronto are effected by this legislation and therefore I think there should be sections in it giving guidelines to the school boards which will be affected and the legislation should apply, the same guidelines to the school boards, as it applies to the municipal councils, but legislation would allow for variations from that where necessary and where electorally possible.

Madam Chairman: Any other members wish to speak on the challenge?

Mr. Owen: I would just like to say that I think Ms. Bryden's point on her challenge relates again to her concern for her school board trustees' representation. It does not address your decision based on the fact that this covers an entirely different thing. You are saying it is apples and oranges and Ms. Bryden is not addressing that, and that is why I would not support your ruling.

Madam Chairman: Mr. Mahoney.

Mr. Mahoney: I was going ask a question.

Madam Chairman: Okay. Mr. Black.

Mr. Black: No, I was asking to vote on the question.

Madam Chairman: You are calling the question.

Mr. Mahoney: I do not believe there was debate that took place on a request such as this.

Madam Chairman: I am told by the Clerk that there was, so that is what I was proceeding to do. Now, you have asked that the question be called. All those in favour of the ruling of the chair. Carried. Thank you. All those opposed?

All those opposed; sorry.

Ms. Bryden: Thank you.

Madam Chairman: Okay, recorded vote. We have an amendment to (5b) from Mr. Cousens, section 3(5b).

Mr. Cousens moves that section (5b) of the Act as set out in section 3 of the Bill be struck out in the following as the substituted therefore:

"(5b)(1). A commission be known as the...

And insert,

"Metropolitan Toronto Municipal Boundary Commission is hereby established."

Two, the Commission shall consist of such persons as may be appointed by the Lieutenant Governor in Council.

Three, the Commissioner shall hold public meetings to consider whether it is in the best interests of the inhabitants of the Metropolitan Toronto area that in each local Board one person be elected to the council of the area municipality and one person be elected to both council of the area municipality and the metropolitan council.

Four, if the Commission determines that it is in the best interests of the inhabitants of the metropolitan area that the election structure set out in subsection 3 be established, the commission may by order require that regular elections commencing in 1991 be conducted on that basis.

Five, in an order made under subsection (4), the Commission may be divide, redivide or alter the boundaries of any or all metropolitan wards or local wards.

Six, unless varied by order of the Commission, this Act applies with necessary modifications to the conduct of regular elections held under the Municipal Elections Act. So, moved.

Mr. Cousens: Madam Chairman, I just have a few remarks to make on this. I have made the views known previously in the legislature and I am satisfied that there is a need for the establishment of an independent electoral Commission known as the Metropolitan Toronto Municipal Boundary Commission.

I believe that the responsibilities and function of this Commission are comparable to the bodies established at both the federal and the provincial level, namely the holding of public hearings on boundaries, the adjudication of ward boundary changes as we have gone through in this province and in the past.

I believe that this would ensure responsible and neutral decision making with respect to boundary changes, free from the potential of political influences. We have heard some -- in fact, a great number of the people that came to these Committee Hearings this week were concerned with gerrymandering and other things.

I do not have the feeling that the politicians in Metropolitan Toronto have no evidence that there is that going on, but I think the perception is that the concern that I have and also that people would be happier knowing that those boundaries have been so made through an election Commission.

I also think that there is a certain amount of value. Everybody keeps referring to the Robarts Report. My second aspect to this amendment really comes out of the Robarts Report which was done. It has only been remembered because it was being thought of back in June 1977 and now the late John Robarts was interested in seeing something be done with regard to this quote.

In addition, it is proposed that directly elected Metro councillors be full members of local councils to provide liaison between the bodies. They should not be eligible for local executive or standing Committee membership. It is just the presence on both levels. Legislative council advised that that was the best place for us to insert this concern that we had that there be joint membership in both local council and the Metro council sorts included in this amendment as we have it here.

I believe that that would help both the local council and the Metro council function very much more effectively with what is known as the "no man's land" between the two

levels of responsibility where there are joint responsibilities. I thought Mr. Sinclair's presentation yesterday helped reinforce the reasons and rationale for the joint C. option. I do not need to go into it any more, Madam Chairman; it has been said before. So moved.

Madam Chairman: Thank you, Mr. Cousens. Well, all those in favour?

Ms. Bryden: We have had no debate at all on it.

Madam Chairman: Okay, I have a list. If you wish to debate, yes. Mr. Owen.

Mr. Owen: I would just like to comment on this business of an independent commission to establish boundaries. The rest of the province lets their local councils determine wards and I do not think that Toronto councillors or Toronto politicians are any more nefarious than anywhere else I think that other parts of the province have shown they could do the job and I have every confidence that Toronto politicians can do the job fairly as well.

And I again question the idea of having people on in wearing two hats. Again and I would be interested in hearing Mrs. Marland on that, because I have heard on this elsewhere and I would ask for a recorded vote.

Madam Chairman: Mr. Polsinelli.

Mr. Polsinelli: Madam Chair, this motion has a number of interesting aspects to it, one of them being the establishment of an independent Commission to align the ward boundaries which, quite frankly, is a good idea. It is something that I would support; it is something that I would actively have voted for.

If I remember the municipal council, I would have said, as if I was a municipal councillor, I would take the job of establishing the ward boundaries out of my hands, put it in a citizen's Committee, put it in the hands of a number of respected individuals in the municipality and let them choose the ward boundaries. Had I been a local councillor, that is the route that I would have taken.

But this motion being placed before us today, I think, has one of the elements that I also detest the most about the provincial government when I was a local councillor and that is the big brother approach.

I used to think as a local council we were confident that we were capable, that we had a certain amount of integrity, and a certain amount of public spiritedness that we would make the best decisions that were best for the city and for the municipality, and quite frankly I resent it when

the province said you have to do this or you have to do that.

They would delegate responsibility and then give us guidelines, parameters, and things to do. I resented that. If they give us the responsibilities, then give us also the tools to make our own decisions and that, I think, is the approach that this government is taking, the approach of saying we are not the big brother. We are not overlooking what you do, but rather you are partners with us in the democratic process.

We look at municipalities as a team approach. You know, they have certain responsibilities. We have certain responsibilities, and let them exercise those responsibilities within a framework of mutual respect. So, from that point of view, I cannot support it as a provincial politician.

The third aspect and an invariable aspect that this amendment would have is that it would delay the implementation of this legislation until 1991. There is no way in my mind that the Commission can be established and can have the recommendations in place in time for the upcoming municipal elections and, quite frankly, this whole issue of direct election has been talked about too much. It is time that we get on with the job and I do not want it delayed any further.

The fourth aspect is quite simply that once this election has taken place, the whole process reverts back to the normal process. The municipalities can again re-examine their ward boundaries and any objections or appeals can go through the regular process of the OMB approach. So, I do not think there is absolutely any need for this at this point.

Madam Chairman: Thank you, Mr. Polsinelli. Ms. Bryden.

Ms. Bryden: Thank you, Madam Chair. Well, ~~I would like~~ to ask those who have spoken against an independent board why do we have federal and provincial boundary Commissions. It is because there is a long history in this country of the abuse of drawing election boundaries when it is done by the incumbence or by the government in power.

In order to stop that abuse, we have set up independent commissions at the federal and provincial levels. I do not see what applies at the federal and provincial level should not apply at the local level, and to suggest that on the basis of local autonomy that we should allow gerrymandering, which is what happens, conflict of interest between those who set the boundaries would be widespread.

It may not be in every municipality that it has happened

in the past, but it has happened in some municipalities. I know when boundaries were redrawn, and I think we should, as a provincial body legislating in this field, we should not allow for such conflicts of interest to continue in the future.

There is not time, I agree, to do it for this 1988 election, and I want to see this 1988 election conducted on the new proposals of direct election. But, certainly it could be set up after this coming election for the future. I think it would require fresh new legislation but, I think I will support the motion on the principle that we do need an independent boundary whether we get it for this coming election or after and to establish the principle that we believe in an independent commission.

I do not agree with the motion as far as joint representation on both councils, because I think this Bill is trying to produce a set-up in Metropolitan Toronto which where there will be direct election to the Metro council and direct election to the local area wards, but not election to both at the same time.

So, I will have to make a caveat that I would not support that part of the amendment, but I think when we are going to go into new legislation after 1988 in this field, we could debate that particular point and it might not necessarily be part of the Independent Boundary Commission.

But, to say that we do not need an Independent Boundary Commission in this province is to put your head in the sand. If you have not seen some of the things that have been going on within the municipality of Toronto, as I have shown you these maps of the proposals that have come forward from some of the local politicians, is to, you know, not recognize that where there are conflicts of interest between incumbents and the general population and the needs of the general population, you have to have a province-wide body to sort these out and I think since we have had these electoral boundary commissions in the provincial and federal levels, there has been a great reduction in the number of gerrymandered writings.

Now, I would like to also oppose section (5b) itself, which this amendment proposes because I think the OMB is absolutely the wrong body to be the body of appeal from ward boundary proposals which are approved by the Minister in the future, because it is not its area of expertise to know about local conditions, neighbourhoods, and it is not its area of expertise to be concerned with the principles of 'rep by pop' and proper balancing of the interests of different groups in the communities so that you get a balance of viewpoints in the electoral process. And the OMB, I am afraid in recent years, appears to have been siding more with the development part of the community.

I think several of our deputations reacted against the idea of the OMB being the court of appeal on the ground that it was ill-suited for this and that its members were appointed for other purposes to rule on zoning changes and not on electoral boundary changes.

So I think that we should also oppose that and just leave the appeal procedure out of the Act altogether but bring in new legislation as soon as this Act is in effect to provide for provincial electoral boundaries commission, and I hope that that will be part of the government's policy in the future if we do knock out (5b).

Madam Chairman: Thank you. Mr. Black.

Mr. Black: Mr. Polsinelli made my point.

Mr. Mahoney: Very briefly, I would just like to respond to Ms. Bryden and say that I think the major difference between the senior levels of government and the municipal level is that, one, in setting up ridings as a political division used primarily for 'rep by pop' as the main criteria, whereas setting up a local ward is very much like setting up a community. And they become communities as Mrs. Marland will know from her time on council and I know very much from my time, that you develop a community of interest and the boundary becomes less sensitive politically perhaps as a municipal.

And the other thing that I think is very important is that there is nothing in this Bill that would preclude a council from, in fact, setting up their own commission or perhaps having a federation of ratepayers or having staff prepare documentation and then submitting it to the ratepayers, which is how we have done it in our community in the past, and getting away from the gerrymandering and allowing the communities to form the wards and have the input and the comment.

The theory of a proper democratic process to establish the boundaries is very valid and I think can well be protected through the democratic process at the local level.

And quite the contrary has been the experience in our community of the success of these commissions. They, frankly, have on two separate occasions virtually destroyed communities and it required strong statements by our council, deputations by our mayor and staff and council to get them to change their mind, and on one instance, they did. Provincially, the Commission changed. Federally, they have not. Federally, we have a riding that is part of two different cities which is ludicrous, but the Commission, in their wisdom, made that decision.

So I think you really, very much need the hands-on local impact to have a good equality decision, and my experience has been that sure, there has been from time to time gerrymandering, but also that as long as the public has an opportunity to participate in that process, you will get away from the gerrymandering. So, I am in favour.

Madam Chairman: Thank you, Mr. Mahoney. Mr. Charlton, I have a great list, so if you want to go on the list.

Mr. Charlton: Thank you, Madam Chairman. I just want to make a few very brief comments. I generally support the amendment in principle although I would not support it as it is presented to us in here. But I want to make a number of comments on the principle itself that have been addressed by some of the liberal members. I find, for example, absolutely no objection to the concept of a local commission to deal with local municipal boundaries.

You cited the federal case, Mr. Mahoney, and that is an inappropriate comparison. It is impossible for the federal government to set up a local boundaries commission in every municipality in the nation of Canada when they are doing a federal redistribution. But I can tell you that the concept of community, becomes as much as an argument in the case of federal ridings and in the case of provincial ridings as it does in the case of municipal wards, and those of us who have been around here for a number of years can tell you that.

We went through the same battle in the last provincial redistribution in the city of Hamilton around the question of community in provincial ridings, and it is no different at any level. The principle in question here is not whether local people can do it better than national people; it is whether the politicians who are incumbents and who have a vested interest because they are incumbents should be the ones who play the game of changing boundaries.

And, in fact, we had an example in the City of Hamilton in the last ward boundary changes that were made where when aldermen, because they were part of that decision-making process, raised their objections. They were electoral objections which they raised, "You are taking the best electoral part of my ward away from me," and that is precisely why there has to be an independent process for dealing with the question of boundary changes because those with the vested interests should not be those that make the decision.

And one of the reasons publics in this country, both at all levels of government, have become so cynical about the political process and about the integrity of politicians in general is because of the kinds of bad decisions we have made over a hundred years around questions like conflict of

interest and, in fact, what we are talking about here is, in effect, a conflict of interest when incumbent councillors make the decisions about electoral boundaries.

And just briefly on the comments which Mr. Polsinelli made about the questions of big brother, we are here dealing with Bill 29 precisely because the provincial level in this country and in this province deal with the municipalities like big brother and always have.

If that was not the case, we would simply be here dealing with enabling legislation to allow Metropolitan Toronto to reform its own electoral structure, and we are here dealing with the reform of Metropolitan Toronto's electoral structure because the municipalities in the province of Ontario are creatures of the province, creations of the province, and they always have been and likely they always will be. But if you really feel that you want to cut those strings, then bring forward legislation and let's do it.

Madam Chairman: Thank you, Mr. Charlton. Mr. Polsinelli.

Mr. Polsinelli: Quite briefly, Madam Chair, I wanted to point out -- I think I failed in my earlier remarks -- that the metropolitan council and the local councils had the option in the fall of choosing to establish an independent commission to realign the ward boundaries. They chose not to do that and gave the responsibility of bringing forward proposals to the municipal Clerks. So, quite clearly, the local councils have already rejected that approach. And I think it would be unfair for us at this point to require them for the upcoming elections to do that.

I think it goes without saying that that requirement, if voted today, is invariably a justification for stalling the implementation of the legislation to 1991. It would result in nothing more than delaying the implementation to 1991 and for that simple reason, apart from the other considerations that I made, I cannot support it.

Madam Chairman: Thank you. Mrs. Marland.

Mrs. Marland: The elections for 1988 have been planned since the elections in 1985. So the fact that we are now crunched for time, is not a fault of the municipalities nor the residents and the electorate who live in them. So it is unfortunate that we may be making some decisions in this Committee because it is February, 1988 and there is an election on the 14th of November, 1988, and that is regrettable when there is been three years since the last municipal election.

I have to also comment on the big brother aspect

because, in fact, you know, the Municipal Act and the Education Act, which are the two that have been referred to in this Committee, are, in fact, provincial statutes. That is the responsibilities of provincial government. So whether we like it or not, the role of provincial government through those provincial statutes is a role of big brother and that is a very, very real fact.

Now, I find it interesting that the liberal government, on the one hand, is saying let's do away with boards of control and executive committees, which, incidentally, I support, and the reason for that is to have a full, broad independence of representation equal for everyone. And yet you are not willing to allow an independent commission to look at establishing where that flows from. And where it flows from are the electoral boundaries.

No matter that it was said that in this Bill, there is nothing in this Bill that -- this is a quote, I think -- there is nothing in this Bill that precludes the local municipalities from setting up their own Boards, their own electoral boundaries commissions, that is perfectly true, but there is also nothing in this Bill that recommends that.

And the point is the argument about what an incumbent council is going to do is the very real argument here. As much as we like to say that the incumbent council knows best, and knows their community best, it is also very true that every incumbent council, unless they are absolutely pure and open and giving and perfect, they are not going to be able to look at it without some personal bias, which is human nature. And if we are dealing with human nature, then you cannot tell me that an incumbent council looking at boundaries is not going to have some personal bias involved.

Now, with an independent electoral boundaries commission, what you have are public hearings. Therefore, not only the elected officials have input into those boundaries, the public has input in those boundaries and I would suggest that the public know just as well as the elected people all about communities and natural alignments and where the natural boundaries should be formed.

So, the fact that we have electoral boundary commissions for the other two levels of government and the fact that they hold public meetings and the fact that they listen and respond as far as possible in reality to the comments of the public, speaks for itself for the necessity for that process to go into the municipal level of government.

And I think if we are really sincerely committed to improving this process, which is what Bill 29 is all about, then we should improve it all the way we possibly can and that would be to say to the public we are going to have an independent commission look at establishing what is the best

boundary in the best interests of those people. It is unfortunate that some of the argument against this motion or this amendment is that it cannot be done by November, 1988, and that is that part that is really unfortunate because the fact that it cannot be done by that time is not a good enough reason not to do it.

Madam Chairman: Thank you, Mrs. Marland. Mr. Matrundola.

Mr. Matrundola: I really have difficulty in understanding why we are really discussing it except for the purposes of democracy, but I believe (5b) spells it quite clearly. It says that the council may enact a bylaw to deal with the matter in question, or the electors of that area may petition. And the Ontario School Board after the 1st of December, 1988 may, by order, divide it up and so forth. So I really believe that mechanism is in function for whatever the case may be. So, I really believe we should stop all the questions.

Madam Chairman: Okay. That completes my list. Oh, Ms. Bryden.

Ms. Bryden: I wish to respond to Mr. Mahoney and Mr. Matrundola.

Madam Chairman: Okay.

Ms. Bryden: Well, Mr. Mahoney says leave it to the local municipalities; you can trust them. But as other people have pointed out, there is bound to be a conflict of interest when it is the local municipality and the local council that is deciding either whether to set up a commission or to change its own boundaries if there is no provincial-wide legislation to see that this is done by an independent commission.

And what I am in favour of is an independent boundary commission that would be province-wide because the municipalities that would not set up any sort of an independent commission would be the ones where they intended to abuse the process, shall we say.

I think it would be on the petition of a certain number of electors or of a council that an independent boundary commission could review the boundaries in a given area. It could have a travelling staff of working in panels the same as the OMB, but it would be a specialist in that field, whereas the OMB is not a specialist and is not equipped and the people who are appointed to the OMB are generally lawyers who know how to deal with zoning by-laws and developers but do not know how to deal with the concepts of popular democracy, shall we say, in public input on these kinds of decisions that affect how we elect people and who we

elect.

So that while I do not want the method in the Bill of using the OMB, I am afraid I cannot support the amendment which would just set up a commission for the City of Toronto and which would also have the objection of going back to the dual representation on both Metro council and the area councils, the municipal councils.

I do support the principle of an independent boundary commission, so that I think if we vote against both (5b) and (5b)'s amendment, we may be expressing to the Minister that he should be looking at new legislation to overcome the objections of many people to the present methods that are being used to define boundaries and to get a democratic process somewhat similar to what we have at the federal and provincial levels. I agree they are not perfect but at least they do not enshrine conflict of interest which a local and municipal board would do.

And to say this is local autonomy is completely wrong. It is enshrining the opportunity for local manipulation of their boundaries. And it does not require any citizen input. There is nothing in the legislation that would require that at the present time. So, I intend to vote against both, but hope that we will get an independent election boundary commission for the province to deal in the municipal field.

Madam Chairman: Mr. Owen.

Mr. Owen: I want to vote on the question.

Madam Chairman: Vote on the question. Okay. Now, I did have somebody mention that they wanted a recorded vote. Okay. You want a recorded vote on the amendment to section 3(5b). Moved by Mr. Cousens. All those in favour? All those opposed? The amendment is defeated.

The next amendment that I have is government amendment section 3(5b)(4). We are going to deal with 5 completely. We are going to go through all the a's, b's, c's of 5.

Mr. Faubert: You want all the amendments in front of you. Okay. All right, Madam Chair, I have a government amendment.

Madam Chairman: Mr. Faubert moves that subsection (5b)(4) of the Act as set out in section 3 of the Bill be amended by inserting after "application" in the seventh line, the words "for petition".

Mr. Faubert: That is basically a technical amendment to make the subsection consistent to refer always to inquiry or petition. It is really a housekeeping amendment.

Madam Chairman: Any discussion on that amendment?

Mr. Faubert: It is not controversial.

Madam Chairman: Does that amendment carry? Carried.

Shall section 3(5b) carry as amended? Okay. All those in favour? And all those opposed? Carried.

Section 3(5b), as amended, agreed to.

Madam Chairman: Now, we have another amendment to (5c), and this is from Mr. Cousens.

Mr. Cousens: Madam Chairman, with the permission of the Committee, we withdraw this amendment.

Madam Chairman: Thank you. I have no other amendments to (5c), or --

Mrs. Marland: We should have a vote on this.

Madam Chairman: No, as long as we withdraw. Shall section (5c) carry? Carried.

Shall section 3 as amended carry? Carried.

Now, we are onto section 4 on page 6. And we have no amendments to section 4. Shall section 4 carry? Carried.

We are now at section 5. I have no amendments. Shall section 5 carry?

Shall section 6 carry? I have no amendments to it.

Shall section 7 carry? I have an amendment to section 7 so that's --

Sections 3(5c), and 4 to 6 inclusive, agreed to.

Madam Chairman: Mr. Polsinelli moves that section 7 will be amended by adding thereto the following subsection

(6)(a). Section 10 of the said Act is amended, by adding thereto the following subsection:

(4)(b). In the event that the head of a council of an area municipality is for any reason unable to fulfill the duties as a member of the metropolitan council for a period exceeding one month, the council of the area municipality may be by-law appoint one of its members as an alternate representative to the metropolitan council who shall act in the place instead of the head of council during the incapacity, but no such by-law shall

have the effect for a period longer than one month from its effective date.

Mr. Polsinelli: Madam Chair, this could be termed the Bob Yuill amendment, the Controller Yuill amendment. His representation yesterday indicated that his particular concern was where the mayor of a local council was incapacitated and could not represent the council at the Metropolitan council meetings that, in effect, the council per se -- not necessarily the municipality, the city -- would not know what was going on and would not have a representative at the metropolitan council.

Part of the purpose of the legislation is to establish some linkage between the local council and the metropolitan council, then, in effect, what this amendment does is assure that that linkage is a constant one notwithstanding the health or other capacities of the local mayor, that linkage will always exists.

Madam Chairman: Thank you, Mr. Polsinelli. Mr. Cousens.

Mr. Cousens: Thank you, Madam Chairman. Just think what would have happened if more people in Metropolitan Toronto knew we were meeting this week and we had had some new ideas coming forward. Just think if we had advertised this Committee and there had been that opportunity for more and more -- if these meetings that we have had, which I think have gone well.

I think we have had excellent presentations and one that counselor Yuill presented yesterday obviously more than just the Tory members of this Committee heard it and the honorable member, Mr. Polsinelli, I am proud of you.

But I just think that we can go away much happier had there been a greater representation from across this great Metropolitan Toronto to have commented on the whole Bill because this is the kind of -- it is a small point but it is an important point -- but how many more would there have been had we not rushed this through as much as we have to have given more people a chance to say, hey, I would like to fine tune this; I would like to improve that.

And I know that there would be many things that can happen. And even had there been more people that came in and said, "We want the boundary changed," just think, you might have come along and said maybe we should go for certain other amendments that we support.

Madam Chairman: Mrs. Marland?

Mr. Cousens: You can ask me a question if you want, but I am not finished.

Madam Chairman: I am sorry. I thought you were finished. You have the floor, Mr. Cousens. That is quite correct.

Mr. Cousens: Tell you boys to behave themselves. I just believe that this is --

Mr. Owen: (inaudible)

Madam Chairman: Please, Mr. Owen. Mr. Cousens has the floor. Mr. Owen, thank you. Mr. Cousens?

Mr. Cousens: I almost have to start from the beginning. I am going to support the motion; I just think that the point has been made that had we --

Madam Chairman: If you are finished, Mr. Cousens. Mrs. Marland?

Mrs. Marland: May I respectfully suggest just a couple of changes in the wording because at the end it refers to the head of council during the incapacity, which would be the reason for this that you want it used, not for a reason that he has to attend other meetings or whatever, or on holiday. Therefore, in the first part of the first line, it should read, "In the event that the head of a council of an area or municipality or any reason of incapacity is unable to fulfill..." I think you have to clarify it there. Do you think that is better?

Madam Chairman: The clarification note, of course, reads, "where the head of council is incapacitated". Does that cover it?

Mr. Owen: Perhaps, you could ask the Minister's staff.

Madam Chairman: Yes. Mr. Ian Rogers is the solicitor with the Minister's staff.

Mr. Rogers: I am advised that there is a corresponding provision in each of the Regional Municipal Acts, which is not to say that it is word perfect and maybe there is a slight nuance of meaning between an inability to carry out duties of a head and being incapacitated would suggest and illness. So perhaps it would be inappropriate to consider substituting the word "incapacity" for "inability", which perhaps has a broader connotation.

Mrs. Marland: Where is the word "inability"? It is not in here.

Mr. Rogers: The second line, Madam Chairman, refers to being unable.

Mrs. Marland: Oh, I see what you mean.

Mr. Rogers: And therefore to tie that in the same stage.

Mrs. Marland: Okay. So where I have said, "for any reason of incapacity to fulfil the duties of..." You accept that.

The other thing that I want to make clear is it says that this appointment could be for a period -- is after somebody is incapacitated for a period exceeding one month -- right? -- and it also says, "shall have effect for a period longer than one --"

"No such by-law shall have effect for a period longer than one month from its effective date. Is that covering a two-month period?

Mr. Polsinelli: What happened would be that for council, in order to exercise this option, the head of council would have to be incapacitated for a one-month period, after which the local council could pass a by-law appointing the deputy mayor to sit on the metropolitan council, but they would have to renew that by-law on a monthly basis so that every month they would have to reconfirm the deputy sitting on the the metropolitan council.

Mrs. Marland: That is right.

Mr. Polsinelli: But, I am not clear, Margaret, on the wording that you wanted changed. I understand what you want to do, but what wording do you want in place there?

Madam Chairman: If you want to amend it, Mrs. Marland, could you give it to me, an amendment to the amendment in writing?

Mr. Polsinelli: I am prepared to adopt it as long as we come up with reasonable wording.

Mr. Owen: Can I suggest that we just change the word "reason" to "incapacity" on the second line?

Madam Chairman: Well, Mrs. Marland has proposed an amendment. Can you give it to me, Margaret?

Mrs. Marland: Yes, I can. You mean you cannot accept an amendment verbally.

Madam Chairman: No, I have to have them in writing.

Mr. Polsinelli: Margaret, what if it read, "In the event that the head of a council of an area municipality is

for any incapacity unable to fulfill the duties...?"

Mrs. Marland: Yes.

Mr. Polsinelli: Why do I just not incorporate it in the motion?

Mrs. Marland: Well, that is what I have got.

Mr. Polsinelli: I will just incorporate that amendment in the motion. It is a full --

Mrs. Marland: With art.

Madam Chairman: You did not want to hand in your artwork. Okay. You want to take out "reason"?

Mr. Cousens: Margaret, the explanation I think is satisfying waht -- any reason and if it is an incapacity -- they are sick, they are in jail or whatever --

Mrs. Marland: Well, the thing is it says "incapacity" at the end so you might as well have it at the beginning.

Madam Chairman: This does not read properly to me, Mrs. Marland. If I can clarify this the way it is read, the way you have written it here, that, "in the event that the head of council for an area municipality is for any reason of incapacity..."

Mr. Polsinelli: Any incapacity.

Madam Chairman: That is not how it is written. She wants to correct it.

Mr. Rogers: You can either change the word "incapacity" in the third last line, or else change the word "unable" in the second line. And it seemed to bring it into line with the marginal note -- we are talking about some kind of physical disability -- that if for any incapacity, unable to fulfil.

Madam Chairman: Okay. We have to have it in writing from the mover of the amendment to the amendment.

Mrs. Marland: Is this going in the archives, this actual copy? Because if it is, I will clean it up.

Madam Chairman: I think we are clear on what the meaning of the amendment is now. All those in favour of the subamendment? Carried. Well done.

All those in favour of the amended amendment? Carried. Does Section 7 as amended carry? Carried.

Shall section 8 carry? I have no amendment to it.

Shall section 9 carry? I am sorry, I do not have a note of amendment on 9. I have no amendments on 9; shall it carry? Carried.

Sections 7, as amended, to 9 inclusive, agreed to.

Madam Chairman: Section 10, I have an amendment from Mr. Cousens.

Mr. Cousens moves that subsection 10(2) of the Bill be amended by inserted "including an executive committee" immediately after "committees" in the second line, and that is just to give some town councils the option of doing --

Mr. Cousens: Just a minute, no; I have a little addition to that.

Madam Chairman: Mr. Cousens moves that subsection 152(2) of the Act as set out in subsection 10(2) of the Bill, I am inserting subsection 152(2) of the Act as set out in --

Madam Chairman: In 10.

Mr. Cousens: In section 1(5) --

Madam Chairman: (152)(2). Okay. Discussion, Mr. Cousens?

Mr. Cousens: No, it has been said.

Madam Chairman: Okay. Shall the amendment carry? Carried. No? All those in favour? All those opposed? The amendment is lost.

Now, section --

Mrs. Marland: Is there some reason, Madam Chairman, that in the printing of the Bill, that 13 came between 9 and 10?

Mr. Polsinelli: Section 9 of the Bill which deals with section 13 of the Act.

Mrs. Marland: I see. Thank you.

Madam Chairman: That is the only amendment I have to section 10. Shall section 10 carry? Carried.

I have no amendments to section 11. Shall it carry? Thank you.

Sections 10, as amended, and Section 11, agreed to.

Madam Chairman: I have an amendment to section 12 from Mr. Cousens.

Mr. Cousens: That is no longer valid on the basis of what has happened earlier with our previous amendment on the boundary commission.

Ms. Bryden: I wish to speak on that.

Madam Chairman: You wish to speak on section 12, Ms. Bryden?

Ms. Bryden: We are back now to alteration of local wards by the OMB, and before we had a discussion of alteration of metropolitan wards by the OMB. For the same reasons that I opposed section (5b), as a whole, I oppose section 12, as a whole, which also gives the OMB the power to alter local ward. Again I think that this is an area where a provincial independent electoral boundaries commission should function rather than the OMB.

It seems to me it is giving the OMB great powers to meddle in local affairs, to change local ward boundaries. They may be even more sensitive than metropolitan ward boundaries because just at the local level a lot of development decisions are made and a lot of zoning decisions are made, and I think that the local wards should be changed by an independent body.

Now, in the guidelines under 152(b)(2) that are set forth for the OMB to follow, it is rather ironic that they have accepted my first amendment, which was defeated that in giving an order for the local area boards, they must divide or redivide, or they must -- I am sorry.

Under (2)(b), they must establish in the area municipality a number of local wards equal to a multiple in whole numbers of the number of metropolitan wards in that area municipality and divide or redivide each of the metropolitan wards into two or more local wards as the case may be, but each local ward shall be located entirely within one metropolitan ward.

Now, this section was cited earlier in the debates here in the Committee as the indication that the Ministry really was in favour of using the multiple and whole numbers and also that each local ward must be located entirely within one metropolitan ward. Having that principle established in this section on the OMB is not really adequate, and I hope the Ministry might consider clarifying as to whether that principle that is given to the OMB is a principle that he will also follow.

I am not sure that we do have in the Bill a clause that

each local ward must be located entirely within one metropolitan ward. We certainly do not have a clause as a result of the defeat of my amendment that the number of area wards must be equal to a multiple in whole numbers of the number of metropolitan wards.

I would like to ask the legal people if they can tell us why they put in the multiple and whole numbers here and why they did not put it in in the section that I attempted to amend, which is section 3, subsection (5)(4), because if the principle is something you instruct the OMB to follow in their future revisions, why should we not have it written into the Act under that section that I attempted to amend, that that is the principle upon which the Minister will make recommendations.

Madam Chairman: The question is to the legal counsel, Ms. Bryden, or to Mr. Neumann?

Mr. Neumann: Well, first of all, I believe the Bill is structured in such a way that the wards, regardless of whether it is this process or the future process with the OMB, the local wards all fall within the Metro wards. That is not an issue.

Madam Chairman: Can you tell us which section?

Mr. Owen: 586, page four.

Mr. Newmann: The section you attempted to amend says, Where the Minister recommends the establishment of a number of local wards in an area municipality that is a multiple of the whole number, the number of metropolitan wards, then each local ward shall be located entirely within one metropolitan ward.

Ms. Bryden: Yes. But you see, section 6 says that it must be a multiple in whole numbers. It would exclude Scarborough from that.

Mr. Newmann: Well, it is deliberately left flexible in this first go-around so that the Scarborough situation can be accommodated. And in the second one with the OMB process, if Scarborough is in the future to review their wards, then they must be a multiple of the local boards. So that principle is there for future reference through the OMB process.

Ms. Bryden: And there is one further question. In my amendment, I also said that there should be the same number of wards in each Metro municipality rather than this varying number; that is, it should be equality of representation across the municipality.

Mr. Newmann: Each municipality is different. It has a

different total population, and local councils may decide to have smaller or larger councils as they see fit to suit their local circumstances.

Ms. Bryden: But, my objection to having an unequal number of local wards in a metropolitan ward is on the principle of municipal representation to the electorate there should be the same number of votes coming from each Metro ward to the local council and not a varying number. Not have three votes --

Mr. Neumann: But, that will occur because it must be a multiple in the future process. With the exception of Scarborough, it will occur this time, and in the future, as I understand it, it must occur.

Ms. Bryden: Yes. There would be an equal number in each ward?

Mr. Newmann: Yes, within each municipality.

Ms. Bryden: Well, I wonder whether the Ministry should not consider its own amendment to clarify that situation because there is a great deal of confusion about that, and I think your attempt to provide this flexibility has muddied the waters that the people who are being affected by this may have been led certainly to submit proposals that provide for an unequal number of wards and it is not --

Mr. Newmann: There is flexibility --

Ms. Bryden: -- just within Scarborough.

Mr. Neumann: Well, as we understand it, all of the municipalities have managed to live with this flexibility and have come in with proposals that meet the guidelines of no more than 25 per cent variation from the average of 75,000 per metro ward and even though Scarborough's 14 have to be divided into 6 metro wards, they have taken combinations of three smaller wards into a metro ward and two larger wards into a metro ward, and they meet representation by population guidelines as set out.

So, I think that flexibility has achieved its objective and the guidelines are more rigid for the future process, which is the Ontario Municipal Board.

Ms. Bryden: The 25 per cent variation, is that in the Act or is that just a guideline that the Ministry sent to the mayors?

Mr. Newmann: That is in the direction given by the Minister to the municipalities.

Ms. Bryden: Yes. I think it would have been better if

the variation allowed, plus or minus 25 per cent, was written into the Act so that people would know what sort of instructions were going to be sent out to the municipalities and possibly to the school boards because I think there might have been some debate about whether that was too broad a variation. If you really believe in 'rep by pop' and it is certainly quite a ways away from true 'rep by pop'.

But, I think, you know, we should consider the whole question of whether the OMB is the right body, but we have already expressed our opinion on that on the previous section. So I am just making the point that I think this section should be reconsidered in the light of the need for substituting an independent electoral commission for the OMB rather than changing it here.

Mr. Neumann: I think I would like to make one more comment. I think the principle of representation by population is a goal which everyone is trying to achieve. However, I think each municipality and the Minister and the OMB must also be cognizant of the fact that within these municipalities there can be major barriers, natural and artificial, such as ravines or Highway 401, and that sometimes it is important not to try to achieve pure 'rep by pop' if it means that part of a ward must straddle Highway 401 or something like that. There has to be some continuity.

Madam Chairman: Thank you. I have an amendment by Mr. Faubert.

Mr. Faubert moves the government amendment that section 152(b)(4) of the Act as set out in section 12 of the Bill be amended by inserting after "application" in the seventh line, the word "or petition".

Mr. Faubert: It says the technical amendment housekeeping and it is the same as the 5(b)(4) that was previously carried by the Committee.

Madam Chairman: Thank you. Any discussion on the amendment? Shall the amendment carry? Carried. Thank you.

Shall section 12 as amended carry? Carried.

I have no amendments to section 13. Shall it carry? Carried.

I have none to section 14. Shall that section carry? Carried. Thank you.

Section 12, as amended, Section 13 to 14 inclusive, as agreed.

Madam Chairman: I have an amendment to section 15 moved

by Mr. Cousens. Section 15(2).

Mr. Cousens: I am sorry. 15(2)?

Madam Chairman: Yes.

Mr. Cousens moves that subsection 15(2) of the Bill be amended by striking out "1988" in the second line and inserting in lieu thereof "1991".

Mr. Cousens: So moved. We have discussed this before.

Madam Chairman: Okay. All those in favour of the amendment? All those opposed to the amendment? The amendment is defeated.

I have another amendment to section 15, subsection (3) from Mr. Cousens.

Mr. Cousens: I am sorry, which?

Madam Chairman: Subsection 15(3) now.

Mr. Cousens moves that subsection 15(3) of the Bill be amended by striking out "1988" in the second line and inserting in lieu thereof "1991". So moved.

All those in favour of the amendment? All those opposed? The amendment is defeated.

Shall section 15 carry? Carried.

I have no amendments to section 16; shall it carry? Shall the title carry? Shall the Bill carry? Carried.

Section 15 to 16 inclusive, as agreed to.

Madam Chairman: Shall I report the Bill to the house? Thank you. Thank you -- as amended, yes.

I have a motion. I have a notice of motion and that is from Mrs. Marland. Be it resolved that the general government Committee be a non-smoking environment during the meetings. Mr. Polsinelli?

Mr. Polsinelli: The procedure is that the date that the notice is given is deemed to be the date that notice is given and debate occurs at the subsequent meeting, and then we would request that debate occurs at the subsequent meeting of this Committee.

Madam Chairman: All those in favour of adjournment? Thank you.

The Committee adjourned at 4:20 p.m.

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